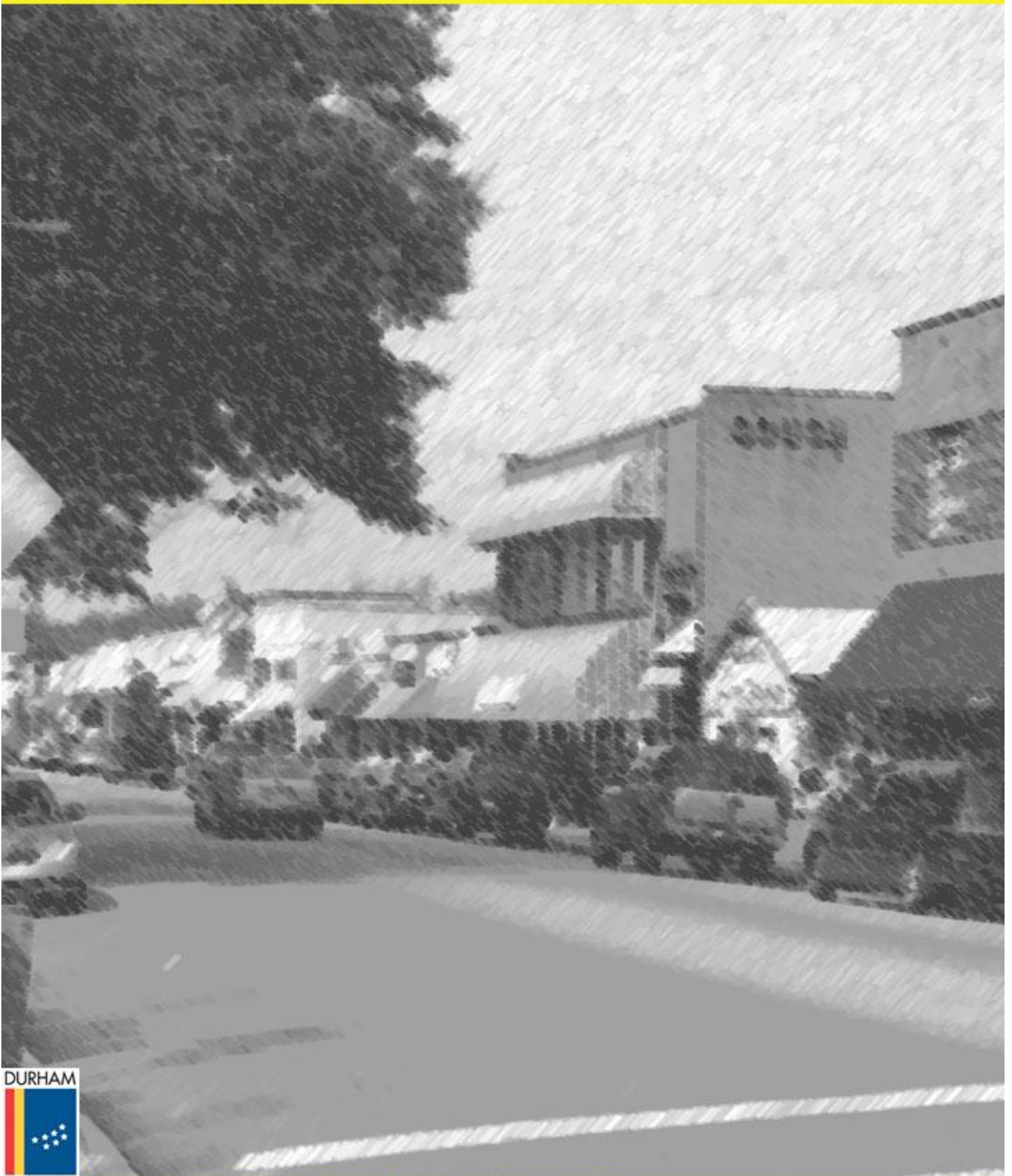


Ninth Street Plan

November 17, 2008



Acknowledgements

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NINTH STREET PLAN

I. Introduction

As Durham grows there is a renewed interest in development within older commercial areas and residential neighborhoods in the city's urban core. The Ninth Street area and its surrounding neighborhoods are a prime example of this trend. Recent development, as well as continued success of businesses along Ninth Street, demonstrates the vitality of the Ninth Street area.

Due to the popularity of the Ninth Street area, its proximity to major destinations such as Duke University, and access to an existing rail corridor, the Ninth Street area was selected for a station for the planned regional rail line by the Triangle Transit Authority, the body responsible for planning and implementing a commuter rail line from Durham to Raleigh. The Triangle Transit Authority's *Station Area Development Guidelines* advocate increased densities and greater ease of pedestrian travel within one half-mile of the planned transit stations than currently exists. The Ninth Street Compact Neighborhood Tier was established in the *Durham Comprehensive Plan* to support mass transit, particularly the planned regional rail station near the corner of Ninth Street and West Main Street.

In the summer of 2006 the Triangle Transit Authority withdrew from consideration for federal funds for the envisioned regional rail project. A select committee, the Special Transportation Advisory Committee (STAC), made up of elected officials and community representatives from the Triangle Region, began meeting soon afterwards to rethink approaches to mass transit in the Triangle area. On April 25, 2008 the STAC approved its report which contained its recommendations for future mass transit to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) and the Capital Area Metropolitan Planning Organization (CAMPO), which will likely take up the issue in the summer of 2008. The Regional Transit Vision Plan, as recommended by the STAC, is shown in Figure 1. These recommendations include regional rail service, light rail service, and enhanced bus service in the Ninth Street Compact Neighborhood. Based on these recommendations, a focus on transit remains warranted for the long-term planning for the Compact Neighborhood.

The establishment of a vision for how the area should look and feel as it develops in a transit-supportive fashion is essential to Ninth Street's continued success and vibrancy. The implementation strategies and subsequent amendments to the *Durham Comprehensive Plan* and *Unified Development Ordinance* described in this plan will create a policy basis and regulatory process that will ensure that new development respects the existing character of the commercial district and surrounding neighborhoods.

The *Durham Comprehensive Plan* Policy 2.3.4h, Station Area Plans, states that "The City-County Planning Department, in conjunction with the Triangle Transit Authority and other interested parties, shall develop or participate in the development of Station

Area Plans.” Furthermore, Policy 4.5.1a, Compact Neighborhood Plans, states that “The City-County Planning Department shall prepare Compact Neighborhood Plans for the areas around regional transit stations.” In addition to the above policy, this plan directs the implementation measures for the following policies from the *Durham Comprehensive Plan*:

- *Policy 2.3.4a. Compact Neighborhood Development Focus.* Ensure that the Station Area Plans enhance the street level experience and provide a mixture of goods and services near transit stations by requiring that development within the Compact Neighborhood Tier be transit-, bicycle- and pedestrian-oriented. Auto-oriented and low intensity uses shall be discouraged;
- *Policy 2.3.4d. Compact Neighborhood Housing Types.* Through the *Unified Development Ordinance*, provide for a variety of housing types to encourage density and the diversity within communities required to achieve efficient use of infrastructure and to generate a foundation of support for neighborhood centers and transit;
- *Policy 2.3.4e. Compact Neighborhood Tier Mixed Use.* Encourage Mixed Use zoning regardless of the underlying land use within the Core Areas in order to create alternatives to driving and create more “24-hour” places. Provide incentives for vertical integration of residential and nonresidential uses in order to achieve true mixed-use projects rather than the multiple use projects that typically result from only horizontal integration; and
- *Policy 2.3.4i. Compact Neighborhood Build-To Lines.* Establish and apply “build-to” lines rather than setbacks to bring projects close to the street and encourage pedestrian mobility.
- *Policy 2.3.4l. Compact Neighborhood Parking.* Establish and apply maximum parking provisions, encourage structured parking, and encourage shared parking to avoid creating expanses of surface parking and encourage more walkable communities.
- *Policy 4.2.4b. Parking Requirements.* Redefine parking standards in all tiers. Explore opportunities for shared parking.
- *Policy 4.2.4c. On-Street Parking.* Provide for on-street parking in the Compact Neighborhood Tier to minimize the size of surface lots and garages, maximize access to buildings, and provide additional street activity.
- *Policy 4.2.4d. Structured Parking Design.* Require street front parking structures to be architecturally compatible with the surrounding area’s character. Require that parking structures be designed to include present or future street level retail or office space.
- *Policy 4.4.1d. Wide Sidewalks.* Provide guidance for the requiring of at least eight-foot wide sidewalks for new development in the Downtown, Compact Neighborhood, and Urban tiers.
- *Policy 4.4.1e. Pedestrian Mobility.* Make walking easy by requiring internal pedestrian walkways on sites with multiple buildings, courtyards, or other exterior on-site shared spaces.
- *Policy 7.2.1a. Open Space Level of Service Standards.* Require preservation of open space appropriate to the intensity of development in each Tier.

- *Policy 8.1.6c. Mixed Use in Compact Neighborhood and Downtown Tiers.* To encourage transit services, encourage increased densities in mixed use projects within the Compact Neighborhood and Downtown Tiers.
- *Policy 8.1.6i. Travel Demand Management.* Durham shall continue to implement its travel demand management efforts.
- *Policy 16.1.3d. The Triangle Transit Authority.* Continue active support for and participation in the Triangle Transit Authority (TTA), providing opportunities for TTA to comment on proposed zoning changes and land use amendments regarding their impact on transportation issues. Continue active involvement in planning for future regional mass transit stations.

II. Planning Process

A. Existing Conditions

The current boundary of the Ninth Street Compact Neighborhood is roughly Markham Avenue and Green Street to the north, Fifteenth Street and Anderson Drive to the west, Campus Drive and NC 147 to the south and Buchanan Boulevard to the east (see Figure 2, Current Ninth Street Compact Neighborhood Boundary). The area within the Compact Neighborhood formerly functioned as a largely self-contained mill village. The Ninth Street business district began growing in earnest in 1910 as the mill worker population increased. The building frontages along the east side of Ninth Street typically range in date from 1915-1950. Today, the commercial district has become an important resource for residents of surrounding neighborhoods as well as students, faculty, and staff of Duke University.

The current boundary of the Ninth Street Compact Neighborhood can be divided into three distinct areas: the commercial district, the University, and the residential mill village.

1. Commercial District

The focal point of the area is the four block long commercial strip along Ninth Street that serves as the commercial heart of the former mill village. The commercial district runs along Ninth Street from Green Street on the north to West Main Street on the south. The majority of the buildings are on the east side of the street. These blocks contain historic buildings, some approaching 90 years old.

There are other commercial areas within the Ninth Street Compact Neighborhood.

- Erwin Square includes Wachovia Tower, a ten story office building with retail on the first floor, and over 14 acres of undeveloped land between the existing buildings and the historic

Erwin Mill. This vacant land is the largest undeveloped tract in the Ninth Street area.

- Ninth Street North, Phase 1, was recently constructed at the intersection of Ninth and Green Streets. Phase 2 across the street is currently going through the zoning map change process with the Durham City-County Planning Department.
- The Broad Street corridor is also largely commercial and office uses, anchored by the Bull City Market shopping center at the corner of West Main and Broad streets and extending north to the Dollar General store at the corner of Broad Street and Markham Avenue.

The shops and offices of the commercial area host a variety of employment, retail, and nightlife opportunities not only for nearby residents but for all of Durham.

2. University

Duke University comprises a large portion of the current Ninth Street Compact Neighborhood. All of East Campus is within the boundary of the Compact Neighborhood, as well as most of Central Campus. These areas are currently zoned University and College (UC), creating special requirements for new development both in terms of use and the physical form of development.

The bulk of East Campus is comprised of university dormitories and classroom buildings, as well as other student facilities such as athletic fields and dining halls. It is the most accessible portion of campus for pedestrians looking to access the Ninth Street commercial area, and its student and staff population is an important factor in the viability of businesses on Ninth Street. The intersection of Perry and Broad Streets is a major pedestrian access point between East Campus and the commercial portions of the Ninth Street area.

Duke University obtained a zoning map change to the University and College (UC) zoning district for its Central Campus in 2007. This allows Duke to move forward with its redevelopment plans for Central Campus. Duke estimates it will add hundreds of dwelling units to Central Campus and hundreds of thousands of square feet of office and classroom space. The redevelopment of Central Campus, being in such close proximity to Ninth Street, should produce additional activity.

3. Residential Mill Village

The former Erwin Cotton Mill was located on the northwest corner of present-day West Main Street and Ninth Street. To the north and west of

the mill are mill houses. Those mill houses that remain within the Compact Neighborhood are still used for residential purposes. Most of the structures were built in the early half of the twentieth century. The existing residential areas to the north of Green Street are mostly owner-occupied and do not currently confront the pressure for higher intensity development that faces properties to the south of Hillsborough Road. Protection of the residential character of these areas north of Green Street should be an objective in any plan for the area.

B. Background Data

Prior to meeting with the community and other stakeholders regarding plans for the Ninth Street Compact Neighborhood, staff conducted a thorough review of existing conditions and regulations of the area related to planning and development. Additionally, planning staff met with staff from other departments to gather further information. A summary of the background data on the Ninth Street Compact Neighborhood is provided below.

1. Current Zoning and Future Land Use Maps

The current zoning for the Ninth Street Compact Neighborhood is shown in Figure 3. The majority of the commercial district of Ninth Street is zoned Commercial General (CG), which allows a wide variety of commercial activities in buildings up to 90 feet in height. The bulk of the undeveloped land in the Ninth Street Compact Neighborhood is currently zoned Industrial Light (IL), which currently has a 50 foot height cap and would allow many industrial uses such as warehousing and wholesale trade, and does not allow any residential uses. Almost all of the parcels that comprise the remainder of the residential mill village within the boundaries of the Compact Neighborhood are zoned Residential Urban (RU-5 and RU-5(2)), allowing single family and duplex structures at a density of approximately eight units to the acre. Duke University East Campus and Central Campus are zoned University and College (UC).

The Future Land Use Map of the *Durham Comprehensive Plan* delineates the planned future uses for the county. The future land use designations for the Ninth Street Compact Neighborhood are shown in Figure 4. Within the Ninth Street Compact Neighborhood, the land on both sides of Ninth and Iredell Streets, as well as the west side of Broad Street, are slated for commercial uses. Most of the undeveloped land in the Ninth Street Compact Neighborhood is identified for future office development, while the mill village would retain its residential use. The land use plan indicates institutional uses for Duke University's East Campus and institutional and residential uses for Central Campus.

2. Environmental and Historic Resources

Over the last two decades, community groups have shown interest in preserving as much as possible the environmental and historic qualities of the Ninth Street area. Figure 5 shows environmental and historic resources in the area.

The Old West Durham National Register Historic District encompasses much of the Ninth Street Compact Neighborhood, including the commercial district along Ninth Street proper. The Trinity Heights local historic district and the Trinity Park National Register Historic District abut the Compact Neighborhood to the northeast. The Erwin Mill and Grey buildings, part of the former Erwin Cotton Mills, are identified as local historic landmarks, which afford them the greatest amount of local government historic protection allowed under the law in North Carolina. Two structures on Swift Avenue have also been designated as local historic landmarks.

In addition, Figure 5 displays two important environmental considerations. No land can be disturbed within the stream buffers as shown. Additionally, the Ellerbe Creek Watershed Plan, adopted by City Council in 2004, identifies land on the south side of Green Street as important for protection of the Ellerbe Creek, a tributary of the Eno River, and ultimately, Falls Lake.

3. Street Widths

The widest streets in the Ninth Street area, those with the greatest traffic carrying capacity, are in the southern half of the Compact Neighborhood and surround the proposed TTA rail station. Main Street and Swift Avenue each provide two lanes of travel in each direction, and in some locations an additional turn lane. The major north-south thoroughfares in the Compact Neighborhood, Broad and Ninth Streets, have only one lane of traffic in each direction, though each are wide enough to support curb parking and/or bicycle lanes. Figure 6 is a graphic representation of all of the streets in the Ninth Street Compact Neighborhood by number of lanes.

4. Parking

Parking in the Ninth Street Compact Neighborhood is either on-street, in surface lots, or in parking garages. Figure 7 displays the amount of off street parking by type of lot: public, customer, and restricted. Public lots are those that are free to anyone to use, though they may be time restricted. Customer lots are private lots that are for the use of customers of the establishment only; others may be towed. Restricted lots are gated

or otherwise restricted to certain groups, such as employees, and cannot be used by the general public.

The only public lot available in the Ninth Street Compact Neighborhood is on the west side of Ninth Street in the commercial district, and contains approximately 50 spaces. All other off-street parking prohibits the general public in some fashion.

On-street parking by time restriction is also shown in Figure 7. The most notable issue regarding on-street parking in the Compact Neighborhood is the amount that is not time restricted, particularly along Broad and Iredell Streets, and the lack of on-street parking in other areas, such as along Fifteenth Street.

C. Previous Plans

A critical element in the development of any plan is an examination of earlier plans that have been approved for an area. This examination ensures that past policies are re-examined and where appropriate, are reinforced, or when they no longer serve the desired goal, are explicitly rejected so that there is no confusion regarding the public goals for the area.

Seven separate plans, in addition to the *Durham Comprehensive Plan*, were examined. These plans are described below, including a brief summary of their content related to the Ninth Street Compact Neighborhood.

Triangle Transit Authority Regional Transit Plan: Regional Rail Project.

The Triangle Transit Authority (TTA) was created in 1989 by the North Carolina General Assembly to provide regional public transportation in Durham, Orange, and Wake Counties. The *Regional Transit* plan developed by TTA in collaboration with federal, state and local governments and the public was incorporated into the Transportation Plans of the DCHC MPO in 1996 and CAMPO in 1997. The plan anticipated implementation of transit improvements in multi-year phases to include the expansion of bus service throughout the three county region; high frequency regional rail service between Durham and Raleigh with a link to RDU airport; high frequency, fixed guideway transit service between Durham and Chapel Hill, and where railroad agreements could be obtained, commuter (rush hour only) rail service connecting surrounding communities with Durham, Orange and Wake Counties.

The first phase of the Plan included high frequency regional rail service with 16 stations along 35 miles of dedicated tracks between Durham and Raleigh with a link to RDU airport. The tracks to have been utilized were within the North Carolina Railroad and CSX rail corridors. In a subsequent version, due to financial constraints, the initial project was reduced to a 28-mile, 12 station

segment between Durham and Raleigh, terminating in Durham at the Ninth Street Station (located at the intersection of Erwin Road and Ninth and Main Streets).

In 1997, TTA published *Station Area Development Guidelines*. Developed in collaboration the region's local governments, these Guidelines are intended to assist local governments and communities in the planning and implementation of compact, mixed-use, walkable development that would benefit from the region's investments in high frequency rail transit service. The Guidelines include many recommendations, such as:

- Integrating complementary land uses within one-half mile of transit stations;
- Creating a convenient, safe and accessible network for pedestrians, bicyclists and vehicles, that interconnects residential, commercial and employment areas to the transit stations and stops;
- Developing a compact neighborhood environment that is attractive, inviting and orderly; integrating transit service, public and private spaces designed to enhance comfort and security.

In August 2006, based on responses from the Federal Transit Administration, TTA withdrew its request for federal funding for the regional rail project. A select committee, the Special Transportation Advisory Committee (STAC), has been meeting to rethink approaches to mass transit in the Triangle area. Initial indications are that STAC recommendations for future transit would include a light-rail system to Chapel Hill, a commuter system for Durham's urban neighborhoods, and the eventual construction of a regional rail system from Durham to Raleigh. All of these recommended scenarios include a transit center of some sort at the previously established location for regional rail for the Ninth Street Compact Neighborhood.

Durham Trails and Greenways Master Plan. The Durham Trails and Greenways Master Plan, adopted in 2001, is the City's and County's guide for developing a system of trails and greenways. The plan shows Iredell, Erwin, and Anderson streets (as well as Main Street from Iredell to Erwin Road/Ninth Street) as potential locations for street trails (see Figure 8, Existing and Planned Bicycle Facilities). Street trails are defined as a five-foot sidewalk and a wide outside travel lane or bike lane.

Ellerbe Creek Watershed Plan. The northern part of the Ninth Street Compact Neighborhood falls within the area of the Ellerbe Creek Watershed Plan. The Ellerbe Creek Watershed Plan, which was accepted by the City Council in 2004, identified a parcel on Green Street as a potential site for public open space in order to protect water quality (see Figure 5, Environmental and Historic Resources).

Metropolitan Transportation Improvement Plan, Fiscal Years 2007-2013.

The Transportation Improvement Plan (TIP) is the planning document used by the DCHC MPO for prioritizing road improvements and other major transportation projects. Rebuilding of the bridge on Main Street over Campus Drive is the only project foreseen in the Ninth Street Compact Neighborhood over the next seven years in the TIP, which was approved in October 2005. In the current TIP, this project is scheduled to begin construction in fiscal year 2009. However, at this time, the draft 2009-2015 TIP, which will be submitted to the DCHC MPO in the summer of 2008, schedules this project for construction in fiscal year 2010.

Durham Comprehensive Bicycle Transportation Plan. The City adopted the *Durham Comprehensive Bicycle Transportation Plan* in 2006. The plan provides recommendations for improved bicycle facilities, bicycle parking, and a priority system for development of new bicycle infrastructure. The plan identifies the following street segments within the Ninth Street Compact Neighborhood for bicycle lanes in its short term plan (see Figure 8, Existing and Planned Bicycle Facilities):

- Hillsborough Road from Fifteenth Street to Ninth Street;
- The entire length of West Main Street;
- The entire length of Broad Street; and
- The entire length of Swift Avenue.

The plan identifies the following street segments within the Ninth Street Compact Neighborhood for shared roadways (with signage and/or arrows) in its short term plan:

- The entire length of Ninth Street; and
- Markham Avenue from Broad Street east to its terminus.

Fifteenth Street, Anderson Street and Erwin Road are proposed for bicycle lanes as part of the long range plan. Since the adoption of the plan, bicycle lanes have been added to Erwin Road. These priorities are an identification of needed maintenance and construction and do not have a dedicated funding source attached.

DurhamWalks Pedestrian Plan. The City adopted the *DurhamWalks Pedestrian Plan* in 2006. This plan inventoried every sidewalk in Durham and identified the areas in most need for new sidewalks and intersection improvements. The plan identifies over 100 priority projects for pedestrian improvements throughout the City, and prioritizes them into three levels. Level “A” is the top priority for construction or repair, and levels “B” and “C” are lower levels of priority. One project within the Ninth Street Compact Neighborhood, the intersection of Main and Broad Streets, is designated as an “A” priority in the *DurhamWalks Pedestrian Plan* (see Figure 9, Existing and Planned Pedestrian Facilities). The following locations are designated as “B” priority projects:

- Intersection of Broad and Green Streets;
- Intersection of Broad and Markham Streets;
- Intersection of Broad and Pettigrew Streets;
- Intersection of Ninth and Main Streets;
- Intersection of Swift Avenue and the Durham Freeway;
- Broad Street from Markham Avenue to Perry Street;
- Buchanan Boulevard from Markham Avenue to Trinity Avenue;
- Markham Avenue from Ninth Street to Buchanan Boulevard;
- Swift Avenue from the Durham Freeway to Campus Drive;

The following locations are designated as “C” priority projects:

- Intersection of Broad and Perry Streets;
- Intersection of Ninth and Green Streets;
- Green Street from Rosehill Avenue to Broad Street; and
- Hillsborough Road from Fifteenth Street to Ninth Street.

These priorities are an identification of needed maintenance and construction and do not have a dedicated funding source attached.

Each of these plans has been taken into account as much as possible in the development of this Ninth Street Plan. The implementation measures in each of these plans have been a factor in developing the strategies for this plan.

Triangle Region 7-Year Long Range Travel Demand Management Plan. This Plan, adopted by the DCHC MPO Transportation Advisory Committee on November 14, 2007, aims to reduce the growth of vehicle miles traveled (VMT) in the Triangle region by 25 percent between 2007 and 2015. The Long Range TDM Plan is a partnership between TTA, DCHC MPO, CAMPO, and the Triangle J Council of Governments (TJCOG). The Plan targets five key areas in the Triangle for primary implementation, with Durham (downtown)/Duke/NCCU being one of those five. This target area includes parts of the Ninth Street Compact Neighborhood.

III. Plan Development

Studying existing conditions of the area and inventorying past plans is an important initial step in the development of a plan. However, these alone do not ensure that the resulting plan will achieve the desired goals. Engagement of concerned residents and local stakeholders in the development of the plan was a critical component of the planning effort, as was coordination with the Triangle Transit Authority, as specified in *Policy 16.1.3d, The Triangle Transit Authority, of the Durham Comprehensive Plan*.

A. Creating a Draft Plan

The outreach effort to engage citizens in the process began with a series of meetings with surrounding neighborhoods, area merchants, and large property owners. These meetings provided a background for the major focus of public participation, a design charrette. The design charrette was held on September 15 and 16, 2006, to receive public input on how the area should develop. Approximately 100 people attended over the two days of the charrette, which was led by the Durham Area Designers (DAD), a team of local architects, planners, landscape architects, and designers who provide pro bono services for community planning activities. During the charrette, a list of major issues facing the Ninth Street area was presented by the participants. Those issues are explained in further detail in section IV of this plan.

At the conclusion of the charrette, participants created eight visions of preferred development for the Ninth Street Compact Neighborhood. The vision diagrams created by the charrette groups were based on using the concept of a form-based code (see box at right). These visions were later melded together by DAD and Durham City-County Planning staff into one plan.

The goal of using a form-based code for the Ninth Street Compact Neighborhood was to address citizens concerns about protecting the character and integrity of the Ninth Street area, particularly the commercial district along Ninth Street itself. During the charrette, use of a form-based code for the district received wide support.

Form-Based Codes

A form-based code is a type of development regulation that aims to achieve a specific urban form by placing more emphasis on defining the built environment and less emphasis on regulation of use. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of buildings and their relationship to the street. Under a form-based code, the detailed map defining the appropriate locations for certain forms and scales is called a Regulating Plan.

B. Review of the Draft Plan

The first Draft Regulating Plan for the Ninth Street Compact Neighborhood was presented to the community on November 2, 2006 for comment. Though there were some concerns about the use of a form-based code, the general consensus of the attendees was to move forward with some minor adjustments to the Draft Regulating Plan.

A second neighborhood meeting was held on March 22, 2007. This meeting was the first time that serious reservations were expressed about the use of a form-based code for the Ninth Street Compact Neighborhood. Durham City-County Planning staff received input from neighbors who were concerned about the use of a form-based code, particularly in regards to:

- The impact on existing commercial activity on Ninth Street,
- The inclusion of use restrictions in any proposed zoning changes in the Plan, and
- Questions about appropriate building heights for new development in the compact neighborhood.

Additional written comments on the draft Plan were submitted to the Durham City-County Planning Department by two of the six surrounding neighborhoods on July 27, 2007.

C. Responding to Comments and Concerns

In the late summer and fall of 2007, planning department staff worked to revise the draft plan to address concerns raised by citizens and neighborhood associations. Staff emphasized that the fundamental purpose of the plan is to establish a vision and regulatory guide for future development that is of higher density, is mixed use, and is pedestrian- and bicycle-friendly and transit-supportive. This goal can be achieved and still address many of the concerns raised by neighborhood associations and property owners by relying on a regulatory approach that is a hybrid of a form-based and a use-based land use code. The regulations of land use would continue to have a role in this approach, but development intensity and the location and form of the new buildings will be of greater concern in the new regulations.

The Ninth Street Plan will establish the vision for how new development should work and look. However, putting the vision into place will require subsequent, among other actions, revisions of the *Durham Comprehensive Plan* and the *Unified Development Ordinance*. Upon adoption of the Plan, these revisions necessary to implement it will be incorporated into the work program of the City-County Planning Department.

Interviews with key stakeholders were held during the fall of 2007 to receive comment on this approach. Those interviews were followed up with an open house held on January 24, 2008, in which the public was invited to comment on the five major action items of the draft Plan: the Regulating Plan, proposed *Durham Comprehensive Plan* amendments, transportation issues, permitted uses, and parking regulations. Sixty-five people attended the open house to provide input that has helped shape the current draft Plan. Subsequent to a favorable recommendation from the Durham Planning Commission on June 10, 2008, further discussions were held throughout the summer with major stakeholders to refine the Plan and aid the future drafting of the regulatory measures that will implement the Plan.

D. Plan Adoption

This Plan was adopted unanimously by the Durham City Council on November 17, 2008.

IV. Issues

Several issues regarding growth and future development in the Ninth Street area became apparent through background research and citizen input.

A. Appropriate Development

The Ninth Street commercial district is the focus of the Ninth Street area for many of the surrounding neighborhoods and the Durham populace as a whole. It has served as the central shopping area for this portion of the city for decades. Because of its history, the unique qualities of the buildings, and the way they shape the fabric of the street itself, preservation of the character of the Ninth Street historic commercial district is of critical importance.

Charette participants were concerned that incoming development could overwhelm existing structures, primarily through height and massing. Many charrette participants felt that the existing character of the commercial district should be preserved, and that development of vacant land should provide a proper transition to the surrounding single-family neighborhoods. Others argued that the compact neighborhood itself should be allowed to grow in a denser, taller, and more intense framework and that such density and intensity is not a threat to the surrounding neighborhoods. Striking the proper balance of creating an urban setting and context that allows mass transit and infrastructure to function efficiently while still protecting the character of the surrounding neighborhoods is essential.

The threat of gentrification and subsequent rising property values due to large new development was a concern to the existing retailers on Ninth Street. They expressed a fear that rising rents may force many of them out of business.

B. Neighborhood Character

Development pressures for newer, larger structures could extend into the surrounding residential neighborhoods. Many of these neighborhoods are made up predominantly of single family homes that were built in the early half of the twentieth century. Residents would like to see some protections against commercial creep into residential areas and demolition of homes to make way for multi-family developments. One additional new tool that could be utilized to help assure the stability of the neighborhoods north of Green Street is a Neighborhood Protection Overlay. A Neighborhood Protection Overlay would be neighborhood-initiated and, if adopted, provide additional requirements within the *Unified Development Ordinance* for any new development within its borders. Furthermore, residents of surrounding neighborhoods desire to ensure the continuation of a vibrant commercial district that retains local flavor as much as possible on Ninth Street.

C. Historic Preservation

The heart of the Ninth Street commercial district, the east side of Ninth Street, has remained relatively unchanged for decades. Charette participants viewed the historical integrity of Ninth Street as a strong community asset. The sense of place created by the buildings themselves is a large part of the area's character. Concern was expressed that economic pressures, coupled with the latitude of existing development regulations, may induce property owners to tear down and replace existing historic structures with new, larger commercial buildings. However, due to the many inappropriate building alterations that have taken place over the years, the establishment of a historic district for Ninth Street is problematic at best. The challenge will be to create a policy that reduces the economic feasibility of tearing down the existing buildings on the east side of Ninth Street while keeping the financial incentive for property owners to maintain them. In 1986, the mill village was recognized as a National Historic District.

D. Pedestrian Spaces

The original driving force behind the creation of this Ninth Street Plan was the proposed regional rail station at the intersection of Erwin, Ninth, and West Main streets. Pedestrian access to and from the station and points of interest in the Ninth Street area (e.g., Duke University, the Ninth Street commercial area, and Erwin Square) is vital to the success of the proposed regional transit. In addition to the station area, ensuring that pedestrians can quickly and safely navigate the entire Ninth Street area is paramount. The intersection of Broad and Perry Streets had a traffic signal installed in 2006 due to repeated incidents between auto traffic and pedestrians traversing between Ninth Street and Duke University's East Campus, illustrating the importance of this issue.

One key factor to the success of the Ninth Street area is access from Duke University and the surrounding neighborhoods. With available parking continuing to be an issue, non-automobile transportation is particularly crucial, suggesting the importance of complete streets (streets with proper vehicular, pedestrian, and bicycle facilities and appropriate streetscape) in the planning area. A theme stated repeatedly throughout the charrette and subsequent neighborhood meetings is the desire for more pedestrian connectivity in the compact neighborhood.

E. Traffic

As Durham has grown some of the area's north-south routes have become increasingly congested. Charette participants cited an abundance of truck and through-traffic using Hillsborough Road and Ninth Street, which are designated as state highways. Residents and business owners are concerned that without further mitigation the heavy traffic, especially during the morning and evening commute times, will become a burden on property values and commercial activity.

F. Transit

Recommendations have been made through various agencies and advisory groups to increase transit service, as well as change the technology of service, for the Ninth Street Compact Neighborhood. Notwithstanding, the area is served by existing transit options. The Durham Area Transit Authority (DATA) and Duke University Transit both provide bus service to the Ninth Street Compact Neighborhood (see Figure 9). However, these services are not currently coordinated among the different agencies, and may not serve the greatest need for residents and workers in the area. As development continues in the Ninth Street Compact Neighborhood, a need for greater transit service using existing technologies may be needed in the short term before the expanded transit service as recommended by the STAC and TTA are implemented.

G. Parking

Many charette participants stated that, as Ninth Street has become more popular, available parking has become a greater issue. Business owners are concerned that additional development, especially on property that is currently used for parking, could hamper commercial activity in the area. The need for additional parking, as well as easy and safe access from existing parking areas to commercial enterprises are also items of great concern. An additional theme repeated in public forums is the desire that parking be better integrated into development. Street frontages should not be lined with parking lots, with preferred parking locations to the side or rear of buildings. Structured parking should be hidden or lined so that it does not negatively impact the streetscape.

H. Open Space

For the last twenty years, the land between Wachovia Tower and Erwin Mill has been undeveloped, as has a tract of land north of Hillsborough Road between Ninth Street and Carolina Avenue. Many nearby residents have come to think of that area as open space, even though it is held in private hands and may be developed under current regulations. Not only is the preservation of open space within the Ninth Street area a concern to many of the charette participants, but also the inclusion of a proper amount of open space with incoming development.

I. Duke University

Duke University is integral to the character and function of the Ninth Street area. East Campus has many dormitories and places hundreds of students, faculty, and staff within walking distance of retail and employment opportunities on Ninth Street. Conversely, access to East Campus provides many development opportunities within the Ninth Street area. The development of Central Campus, possible through a recent rezoning of the area to University and College (UC) zoning, is planned to have over 1,400 new dwelling units and hundreds of thousands of square feet of office and classroom space, providing further economic and development opportunities within the Ninth Street area.

Charrette participants voiced concern over the scale of development on Duke University property, and that it may overwhelm the Ninth Street area and surrounding neighborhoods. The UC zoning designation requires that properties at the edge of that district be developed in a form similar to that which it adjoins. Therefore, Duke University must abide by regulations that require new development on its property on the edge of campus to conform to building forms that complement areas immediately off-campus.

Taking all of the concerns and comments raised by citizens, the policies as adopted by City Council through the *Durham Comprehensive Plan*, as well as the background data that was collected at the beginning of the planning process, the following implementation strategies are recommended to meet the goals as outlined by this plan.

V. Implementation Strategies

A. *Durham Comprehensive Plan* Amendments

1. **Amend to the *Durham Comprehensive Plan* to redraw the boundaries of the Compact Neighborhood Tier as follows:**

- **Remove all of the property that constitutes Duke University's East and Central Campuses; and**
- **Remove the single family residential structures along Green Street and Rosehill Avenue that are zoned residential from the Compact Neighborhood.**

The surrounding neighborhoods to the north of the Ninth Street Compact Neighborhood are concerned about increased density and intrusion of commercial uses into their neighborhoods. An adjustment of the boundaries for the Compact Neighborhood Tier is intended to keep more intense development out of the single-family residential neighborhoods, and to reduce the possibility of non-residential uses being permitted. Figure 10 displays the proposed changes. This amendment to the *Durham Comprehensive Plan* would follow the normal plan amendment process, and would be City-initiated.

Issues Addressed: Neighborhood Character, Duke University

Implementing Entity: Durham City-County Planning Department

2. **Amend the Future Land Use Map of the Comprehensive Plan for parcels that are being removed from the Compact Neighborhood.**

As stated above, the residents of the neighborhood north of Hillsborough Road are concerned about commercial development encroaching into their neighborhood. As this is a stable residential neighborhood that is recognized as a historic district in the National Register of Historic Places, there should be proper regulations in place to protect that stability.

While the neighborhood north of Hillsborough Road is currently residential, the Future Land Use Map of the Durham Comprehensive Plan identifies certain parcels on Rosehill, Hale, and Carolina streets to be

commercial (see Figure 10). Once these parcels are removed from the Compact Neighborhood, the Future Land Use Map should be amended to change the designation of these parcels from Commercial to Medium-High Density Residential.

Issue Addressed: Neighborhood Character

Implementing Entity: Durham City-County Planning Department

3. **Amend Table 2.1 of the *Durham Comprehensive Plan* to permit High Density Residential (12-60 DU/acre) land uses in the support areas of the Compact Neighborhood tier.**

In order to achieve appropriate densities to allow for mass transit to function effectively, residential densities of greater than 20 dwelling units to the acre may be necessary. Furthermore, greater allowable densities will make other goals of the *Durham Comprehensive Plan*, such as more mixed-use development and less reliance on auto-oriented development, more easily accomplished. Therefore, amending the *Durham Comprehensive Plan* to allow for higher densities in transit support areas, is warranted.

Issue Addressed: Appropriate Development

Implementing Entity: Durham City-County Planning Department

4. **Amend the *Durham Comprehensive Plan* to create a new Future Land Use Designation: the Design District. Amend the Future Land Use Map of the *Durham Comprehensive Plan* to designate the Ninth Street Compact Neighborhood as a Design District.**

The Ninth Street Compact Neighborhood should have new zoning that functions as a hybrid of a form-based code and traditional use-based code (see following section on Zoning Map and Text Amendments for further explanation). While focusing more on the design of the built environment and its relationship to public spaces, these new zoning districts also create more flexibility in terms of use. This flexibility of use does not correlate well to existing future land use designations.

The creation of a new future land use category, the Design District, will clarify the flexibility of uses for potential new development. Use restrictions will remain, but will be governed by the zoning designation under the *Unified Development Ordinance* for the Ninth Street Compact Neighborhood.

The amendment of the Future Land Use Map for the Ninth Street Compact Neighborhood to a Design District should not be completed until after the amendments to the Compact Neighborhood Tier as described above have been adopted by City Council (see Figure 10).

Issues Addressed: Appropriate Development

Implementing Entity: Durham City-County Planning Department

B. ***Unified Development Ordinance* Text Amendments and Zoning Map Changes**

In order for a hybrid form-based code to be implemented for the Ninth Street Compact Neighborhood, a three-step approval process must take place. First, this Plan must be adopted by City Council, directing the Durham City-County Planning Department to implement it. Second, the necessary text amendments to the *Unified Development Ordinance* will be drafted and submitted to City Council for consideration. This plan provides the guidelines that are to be followed in the drafting of those ordinance changes. Part of the ordinance changes will be the creation of a new zoning district for the Ninth Street Compact Neighborhood, as defined by the Regulating Plan included in this plan.

Third, once the new zoning district regulations for the Ninth Street Compact Neighborhood have been incorporated into the *Unified Development Ordinance*, a zoning map change will be required to apply the new zoning districts to the areas indicated in the Regulating Plan. None of the zoning changes advocated in this plan will be implemented until that final zoning map change has been adopted by City Council. The only *Unified Development Ordinance* regulations that will be modified are those that are addressed in the implementation section of this as follows:

- **Initiate changes to the Zoning Map and *Unified Development Ordinance* in order to implement a hybrid form-based zoning district for the Ninth Street Compact Neighborhood.**

Revising the development regulations governing the area can address many of the issues raised during the planning process. Conventional zoning codes primarily control the use and density of development, while little attention is paid to the form of development. Use-based zoning can ensure that different uses are separated, but does not ensure that the form of development works to create great places. New development under the existing regulations could permanently alter the character of Ninth Street. For example, the present zoning permits buildings up to 90 feet tall on Ninth Street and up to 145 feet tall with a Special Use Permit. Also, existing zoning in the area allows by right several inappropriate land uses, such as surface commercial parking lots and warehousing, on undeveloped land between Wachovia Tower and Erwin Mill.

The Ninth Street Plan calls for a new zoning district to be implemented for the Ninth Street Plan area. This new zoning district would be divided into four sections: Core, Support I, Support II, and Pedestrian Business. Levels of density and intensity would be highest in the Core and would diminish as one moved from the planned location of future mass transit towards the residential neighborhoods adjoining the Ninth Street Compact Neighborhood. The Regulating Plan, showing the locations for each of these districts within the Ninth Street Compact Neighborhood, is displayed in Figure 11. A synopsis of each proposed section follows:

- The **Core** district is intended to serve as the core area for the future proposed Ninth Street regional transit station. The Core district should allow for and encourage vertically integrated compatible uses, in furtherance of *Policy 2.3.4e, Compact Neighborhood Tier Mixed Use*, of the *Durham Comprehensive Plan*. Development guidelines are to follow the *Station Area Development Guidelines* as proposed by the Triangle Transit Authority, with residential and non-residential intensity high enough to support transit.
- The **Support I** district is intended to serve as the primary support area for the future proposed Ninth Street regional transit station. Development guidelines are to follow the *Station Area Development Guidelines* as proposed by the Triangle Transit Authority, with residential densities high enough to support transit. Residential densities should be consistent with the High Density land use designation in the *Durham Comprehensive Plan*, allowing for 12-60 units to the acre. Non-residential intensity measures, such as floor area ratios, will be developed through the ordinance drafting process to be consistent with the permissible height and massing for residential density.
- The **Support II** district is adjacent to residential, primarily single-family, neighborhoods surrounding the Ninth Street Compact Neighborhood. While average residential densities should be consistent with a mass transit support area, height, massing and density in this area should be also appropriate for transition to single family residential neighborhoods. Residential densities should be in line with the Medium-High Density category in the *Durham Comprehensive Plan*, allowing for 8-20 units to the acre. Uses should also be restricted to those that are most appropriately integrated into a residential neighborhood.
- The **Pedestrian Business** district is intended to protect the character and integrity of the current Ninth Street commercial area and existing local historic landmarks in the Ninth Street planning area (in furtherance of *Policy 5.1.3a, Existing Historic Landmarks*, of the *Durham Comprehensive Plan*), while integrating complementary new development. Preservation of the character of this section of Ninth Street is considered an essential outcome of this plan. The Pedestrian Business District is also intended to remain the commercial focus of the Ninth Street Compact Neighborhood.

These new districts for the Ninth Street Compact Neighborhood, as defined by the Regulating Plan in Figure 11, will address a number of issues that have been raised by key stakeholders of the Ninth Street area. The Regulating Plan as shown in Figure 11 may be adjusted slightly when it is implemented during the rezoning process in order to meet any change in conditions.

Height

The following table displays the recommended heights of buildings in each of the four proposed zoning districts of the new Ninth Street Compact Neighborhood zone.

District	Maximum Height	Additional Height Potential
Core	90'	110', with minor SUP
Support I	60'	75', with minor SUP
Support II	45'	---
Pedestrian Business	55' on west side of 9 th St. 40' on east side of 9 th St.	---
Note: SUP stands for Special Use Permit		

Under this plan, the ordinance should be written so that the Durham City-County Board of Adjustment may allow for greater height through the granting of a minor Special Use Permit in the Core and Support I districts. The guidelines that should be followed in determining the granting of these Special Use Permits should be consistent with the *Unified Development Ordinance*, specifically section 3.9.8, for general criteria, and section 4.8.5.B.2, for more specific criteria. Additional criteria for the granting of a Special Use Permit may be required.

Height articulation is a vital element of the streetscape along Ninth Street and helps provide the current character along the east side. In order to have new development properly fit into the existing character, the following requirements should apply to all new buildings within approximately 40-75 feet (exact distance to be determined during implementation) of the right-of-way along Ninth Street in the Pedestrian Business District:

- On the east side of Ninth Street, regulations should encourage a mix of one and two story buildings not to exceed a maximum height of 40 feet;
- On the west side of Ninth Street, regulations should require a mix of buildings heights with a maximum height of 55 feet. At least 50% of building's street frontage along the west side of Ninth Street within this area should be three stories tall or less.
- On both sides of Ninth Street in the Pedestrian Business District, occasional breaks between buildings should be required to provide light, air, and pedestrian and vehicular access.

Architectural design features, such as belfries, clock towers, widows walks, etc., could be located at visually important locations such as vista terminals and street corners. These architectural features would be exempt from height requirements, similar to the exemptions found in section

6.12.1.B of the *Unified Development Ordinance*, with review and recommendation from the Design District Review Team.

Density and Intensity

In a pure form-based code, residential density and non-residential intensity would not be regulated; these would in part be dictated by the building forms. However, there are two reasons for maintaining regulations on density and intensity in the Ninth Street Compact Neighborhood. First, the purpose of the Compact Neighborhood designation is to focus more intense development in areas that are prime candidates for high use of regional transit. The Ninth Street Compact Neighborhood is one of those areas. Without ensuring a minimal level of density and intensity within the Compact Neighborhood, the optimal use of future regional transit is diminished. Furthermore, *Policy 8.1.6c, Mixed Use in Compact Neighborhood and Downtown Tiers*, of the *Durham Comprehensive Plan* supports the use of increased densities to encourage transit service.

Second, by lowering allowed densities and intensities further from the proposed transit station and closer to the surrounding neighborhoods, higher density can be focused away from these neighborhoods and closer to the proposed transit station. Densities more compatible to the surrounding area, which range from approximately six to 20 units to the acre, can be assured.

The following chart displays the recommended densities for each of the proposed zoning districts for the Ninth Street Compact Neighborhood.

District	Minimum Density	Maximum Density	Maximum Density with Affordable Housing Bonus
Core	22	60	69
Support I	16	52.5	60
Support II	8.7	20	23
Pedestrian Business	16	52.5	60

These density requirements are congruent with the recommendation from TTA's *Station Area Development Guidelines* that the minimum density overall in the Compact Neighborhood should be 16 units per acre (22 units/acre in the core). These densities are also consistent with recently constructed projects in the area, such as Station Nine at 52.5 units per acre.

In order to ensure proper nonresidential intensity, minimum floor area ratios (FAR) should be established for the Core and Support I districts. No maximum FAR will be regulated for the Ninth Street Compact Neighborhood. Additionally, minimum lot coverage areas for new buildings should also be established for the Core, Support I, and

Pedestrian Business districts to ensure proper urban design and context, and to limit the amount of land dedicated to surface parking.

Building Mass and Orientation

The Compact Neighborhood Tier should be pedestrian friendly and discourage auto-oriented development and design. Therefore, through the *Unified Development Ordinance*, new development should be required to meet the following standards.

- Construct new development to build-to lines, rather than use setbacks, in order to bring future development closer to the street and provide a more unified and pleasing pedestrian experience. Building facades should be maximized along street frontages to avoid gaps in the streetscape. Primary entrances will also be required to be along the streetscape. This would comply with *Policy 2.3.4i, Build-to Lines*, of the *Durham Comprehensive Plan*. Buildings should also be required to have an entrance along the major street frontage.
- Create a pedestrian friendly environment and provide non-motorized access to the transit center from throughout the Ninth Street Compact Neighborhood. Large blocks and undeveloped parcels should be broken up into smaller blocks when developed, creating a more inviting atmosphere for pedestrians. As an example, an illustrative road network that would include appropriate bicycle and pedestrian facilities is suggested for the undeveloped land at Erwin Square in Figure 12. Furthermore, maximum block size regulations should be developed to create building breaks and further enhance the pedestrian experience throughout the district.
- Have appropriate first floor fenestration. New development throughout the Compact Neighborhood should be regulated to require transparency of façades at street level to make the pedestrian experience more inviting.
- Require wide sidewalks where appropriate. The *Durham Comprehensive Plan*, in *Policy 4.4.1d. Wide Sidewalks*, states “Through the *Unified Development Ordinance*, require a minimum of eight-foot wide sidewalks for all development in the Downtown Tier, and for nonresidential development in the Urban and Compact Neighborhood Tiers, with exceptions designated in the *Unified Development Ordinance*.” This requirement should be implemented in locations where a sufficient amount of right-of-way is available for the wide sidewalk, utilities, and an appropriate planting strip between the building envelope and the vehicular right-of-way.
- Locate off-street parking to the rear and/or side of buildings, and not along the primary right-of-way. Access to these parking areas should be narrow along the street frontage so that long breaks

between buildings are not created. In circumstances where parking is along the street frontage, appropriate street treatments, such as low fences and landscaping at the build-to line, should be required to continue the proper pedestrian experience.

- Require that, in the Pedestrian Business District, building facades be varied and articulated with setbacks, roofline changes, and/or architectural elements in order to modulate the building massing into smaller architecturally distinct elements. These changes should occur at maximum intervals of 50 feet of building frontage along the street. In addition to these architectural features, stepbacks should be encouraged to allow for areas of lower height along the street frontage that will properly frame the public space and create an appropriate pedestrian scale.

Open Space

Policy 7.2.1a, Open Space Level of Service Standards, of the *Durham Comprehensive Plan*, provides recommended minimum open space requirements for new development. This guidance, as well as current open space requirements from the *Unified Development Ordinance*, has been used to provide the following recommended open space requirements for the Compact Neighborhood zoning districts. The open space requirements shown below apply regardless of use.

District	Percent Open Space Required
Core	1%
Support I	2%
Support II	5%
Pedestrian Business	1%

Small amounts of open space may not be the ideal method of providing open space in a Compact Neighborhood. Often in an urban setting, such as the Ninth Street Compact Neighborhood, parcels tend to be small, and the percentages described above would yield scattered and inefficient open space. Therefore, a mechanism, such as that described in section 7.2.2 of the *Unified Development Ordinance*, should be devised to allow for smaller developments to contribute to pooled or shared open space that will create a better amenity for the public.

The area along Green Street, as designated in the *Ellerbe Creek Watershed Plan* as potential open space, will be encouraged, whenever feasible, to be utilized for stormwater mitigation measures in a way that does not harm the existing creek and protects water quality. This area should subsequently be encouraged to become public open space.

Use

Based on input from the charrette, the open house held in January 2008, property owners, business owners, neighborhoods, and staff recommendations in consultation with the Triangle Transit Authority, general guidelines on appropriate uses for the Ninth Street Compact Neighborhood emerge:

- Residential uses should be allowed throughout the Ninth Street Compact Neighborhood in densities that meet transit-oriented development guidelines (see above). However, single-family residential development and duplexes should not be allowed. Townhouses, multiplexes/apartments, and upper-story residential development should be allowed.
- Many civic uses, such as day care homes, day care facilities, parks, schools, and places of worship should be allowed in the Ninth Street Compact Neighborhood. Three civic uses that should not be allowed are correctional facilities, hospitals, and utilities (except co-located Wireless Communications Facilities).
- Four commercial activities that should not be permitted in the Ninth Street Compact Neighborhood are indoor firing ranges, drive-through restaurants, self-storage facilities, and vehicle sales and service.
- Commercial parking should not be permitted in the Support II district unless it fronts onto a thoroughfare (as defined in the Unified Development Ordinance and the 1991 DCHC MPO Thoroughfare Plan, see Figure 13). Commercial parking should not be permitted in the Pedestrian Business District unless it is surrounded by liner buildings to mask its appearance.
- Other commercial uses should be permitted throughout the Compact Neighborhood with the following restrictions:
 - Commercial uses should not be permitted in the Support I or Support II districts unless the establishment fronts onto a thoroughfare.
 - Commercial uses should be required on the first floor of the Pedestrian Business District, though office and residential lobbies should also be permitted if they are providing access to the street for these uses on upper stories.
 - In the Support II district, commercial establishments should be limited in size (with the exact size to be determined during implementation). The same restriction should be placed on the Support I district, but with an option for a larger establishment with a minor Special Use Permit from the Durham Board of Adjustment.
- Office uses should be permitted throughout the Ninth Street Compact Neighborhood, but be required to meet design and site plan criteria within the Support II district to ensure sensitivity and

compatibility to the adjoining residential neighborhoods. Office uses should be restricted to upper floors within the Pedestrian Business district.

- The only industrial use that should be permitted is Research and Development, and that should be restricted to the Core, Support I, and upper stories of the Pedestrian Business district.

Design Guidelines

In addition to the requirements stated above, design guidelines shall also be addressed in the text of the new zoning district for the Ninth Street Compact Neighborhood. The purpose of the guidelines is to generate building and streetscape standards for development within the Ninth Street Compact Neighborhood that achieves the goals of this plan. Future development shall be subject to review and recommendation by the Design District Review Team (DDRT) to ensure that the requirements of the design guidelines are met (this will require an amendment to section 2.7.3.A.1 of the *Unified Development Ordinance*). The charge of the DDRT, as specified in section 2.7.1 of the Unified Development Ordinance, is to review projects in design districts to “protect(ing) the local architectural heritage and preserving the considerable economic investments that have occurred over the years. The DDRT process seeks to encourage renovation and new development in a manner that will promote visual harmony, historical integrity and creative design solutions.” The design guidelines to be applied by the DDRT in the Ninth Street District will be constructed during the implementation phase of this plan.

A master chart showing all of the guidelines for the hybrid form-based code as recommended in this plan is shown in Figure 14.

Issues Addressed: Appropriate Development, Neighborhood Character, Pedestrian Spaces, Open Space

Implementing Entity: Durham City-County Planning Department

C. Transportation Issues

1. Re-route US 70 Business from Ninth Street and Hillsborough Road to West Main Street.

The purpose of re-routing US 70 Business is to move trucks and other through-traffic off of more congested and locally traveled roads to one that appears to be better designed to accommodate additional traffic. A more appropriate routing for trucks and through-traffic is along Main Street, rather than through a commercial area with high pedestrian traffic (see Figure 15). Furthermore, Main Street allows for two lanes of travel in each direction to Fifteenth Street, whereas only one lane of traffic each direction is available on Ninth Street and Hillsborough Road. US 70

Business is a State-maintained road. Therefore, this action would need the concurrence of the North Carolina Department of Transportation (NCDOT). Furthermore, most of US 70 Business west of Ninth Street is within the right-of-way of the North Carolina Railroad, so that agency's concurrence may also be required.

Issue Addressed: Traffic

Implementing Entities: City of Durham Public Works Department and NCDOT

2. Amend the *DurhamWalks Pedestrian Plan* to better reflect pedestrian needs in the Ninth Street Compact Neighborhood.

The following street segments or intersections are not currently included as priority projects in the *DurhamWalks Pedestrian Plan*:

- Iredell Street between Main Street and Markham Avenue; and
- Perry Street between Iredell Street and Ninth Street.
- Alley #9 between Ninth Street and Iredell Street.

In order to make the Ninth Street Compact Neighborhood truly pedestrian-oriented and to allow for the easiest pedestrian access to potential transit centers, a complete pedestrian network must be instituted. Therefore, the above street segments should be prioritized and included in the *DurhamWalks Pedestrian Plan*.

Issue Addressed: Pedestrian Spaces

Implementing Entity: City of Durham Public Works Department

3. Improve bicycle facilities in key locations within the Ninth Street Compact Neighborhood.

The Ninth Street community has stated that bicycle traffic on the Anderson Street bridge over the Durham Freeway has increased in recent years. Much of this traffic utilizes Fifteenth Street to access the Duke University campus from the neighborhoods surrounding the Ninth Street Compact Neighborhood. In addition, as development occurs within the Ninth Street Compact Neighborhood, this bridge will see more auto and non-auto traffic to access Duke University, and dedicated bicycle facilities will likely be warranted. In addition, there are other areas in the Ninth Street Compact Neighborhood that may be able to accommodate dedicated bicycle facilities without major construction.

Therefore, subject to a more formal feasibility analysis, the Ninth Street Plan recommends the following bicycle improvements.

- Install bicycle lanes on Fifteenth Street from Hillsborough Road south across the Durham Freeway to Erwin Road. This can be accomplished through a removal of one lane of traffic in each direction and the installation of either a wide lane with on-street parking or a center turn lane;

- Install bicycle lanes on Hillsborough Road from Trent Drive to Ninth Street. This can be accomplished with the removal of the center turn lane;
- Install bicycle lanes on Main Street from Buchanan Boulevard to Fifteenth Street.

The opportune time to complete these improvements is during scheduled repaving. If there is a significant time horizon before the next repaving is to take place, funds should be sought to complete the above items in a timely manner.

Issue Addressed: Traffic

Implementing Entity: City of Durham Public Works Department

4. Improve existing transit services in the Ninth Street Compact Neighborhood.

Currently, the Ninth Street Compact Neighborhood is served by two bus services, DATA and Duke University Transit. DATA's Route 11 connects the Compact Neighborhood to downtown, Duke University Medical Center, and western Durham County. Duke University Transit buses connect the Compact Neighborhood with most parts of Duke University campus.

As development occurs in the Compact Neighborhood that is less auto-dependent, greater demand for transit will increase. Though Duke University Transit covers the area well for connections to campus, restrictions on the time of the service (e.g. academic year only, evening only, commute time only) make the service less amenable for regular commuting. While DATA provides a good east-west connection, there is no north-south connection for the area. Therefore, while the Compact Neighborhood has existing bus service, two recommended opportunities for improvement in service include:

- Greater coordination between DATA and Duke University Transit so that routes and times are more complementary.
- Subject to a more formal analysis, expand service routes and times in the Compact Neighborhood.

Issue addressed: Transit

Implementing Entity: City of Durham Public Works Department

5. Evaluate traffic impact analysis (TIA) requirements within compact neighborhoods.

New development that meets certain requirements must submit a traffic impact analysis (TIA). The resulting analysis may require road improvements, such as road widening and the installation of turn lanes. The Ninth Street Compact Neighborhood is an urban neighborhood, with characteristics such as on-street parking, buildings close to the street, and

pedestrian amenities such as mid-block crosswalks. A major goal of the Ninth Street Plan, as directed by the City Council through the *Durham Comprehensive Plan*, is to make our compact neighborhoods more pedestrian, bicycle, and transit friendly.

The road improvements that may be necessary, based on TIA findings, in order to achieve required vehicle traffic level of service may be detrimental to the urban fabric of our urban compact neighborhoods. Therefore, the Durham City-County Planning Department should work in conjunction with the Transportation Division of the City of Durham Public Works Department to evaluate TIA remediation requirements for urban compact neighborhoods when road improvements would require a change in the street cross-section.

Issues Addressed: Neighborhood Character, Pedestrian Spaces, Traffic

Implementing Entities: Durham City-County Planning Department and City of Durham Public Works Department

D. Street Redesign

1. Redesign Safeway Street/Hillsborough Road to limit traffic and create an opportunity for additional parking and open space.

There was a strong desire expressed at the charrette to close Safeway Street. Safeway Street is where Hillsborough Road intersected with Ninth Street prior to being linked to Markham Avenue. While the closure of Safeway Street was the ideal outcome expressed at the charrette, it is not legal at this time to close Safeway Street because it would remove right-of-way access for one parcel. Until parcels have been recombined to allow for alternative road access, the complete closing of Safeway Street cannot be pursued.

As an alternative, the Durham City-County Planning Department and the Transportation Division of the City's Department of Public Works have put together a proposal to redirect vehicular traffic on Safeway Street (see Figure 16, Proposed Redesign of Safeway Street). This design would create an opportunity for more accessible open space, improve pedestrian connections along Ninth and Hillsborough streets, and create more parking in the area. Safeway Street is maintained by NCDOT, and therefore its approval for any alterations to the current layout is required.

Issues Addressed: Traffic, Open Space, Pedestrian Spaces, Parking

Implementing Entities: Durham City-County Planning Department, City of Durham Public Works Department and NCDOT

2. Adopt alternative street cross-sections for traditional neighborhood development within the Ninth Street Compact Neighborhood.

Policy 4.4.1e, Pedestrian Mobility, of the *Durham Comprehensive Plan*, states that future plans should identify ways to make Compact Neighborhoods more pedestrian-friendly. Furthermore, the increased density and urban character of these neighborhoods requires the ability of pedestrians and non-motorized traffic to be able to move safely and efficiently throughout the neighborhood. In order to better ensure public safety and ease of movement, NCDOT has developed alternative street cross-sections for areas such as the Ninth Street Compact Neighborhood. These alternative cross-sections allow for safer and more efficient pedestrian movement, and should be permitted for new development in the Ninth Street Compact Neighborhood.

Issues Addressed: Pedestrian Spaces, Traffic

Implementing Entities: Durham City-County Planning Department and City of Durham Public Works Department

E. Parking

1. Reduce parking requirements for the Compact Neighborhood Tier.

The Compact Neighborhood designation within the *Durham Comprehensive Plan*, as identified in *Policy 2.3.4a, Compact Neighborhood Development Focus*, is intended to be transit, pedestrian, and bicycle oriented, while discouraging auto-oriented uses. Furthermore, *Policy 2.3.4l, Compact Neighborhood Parking*, encourages structured and shared parking and maximum parking requirements in the Compact Neighborhood Tier. Towards these objectives, the following changes to the *Unified Development Ordinance* (section 10.3.1., Required Motor Vehicle Parking) are recommended in the short term to encourage alternatives to single-occupant auto commuting, and reducing auto-oriented development:

- Lower the minimum parking requirement within the Compact Neighborhoods Tier to 85 percent of that in the Rural, Suburban, and Urban tiers. This is a reduction from the current 90 percent requirement as currently stated in the *Unified Development Ordinance*.
- Permit Travel Demand Management (TDM) techniques to count towards off-street parking requirements. Possible TDM strategies are outlined in the 7-Year Long Range Travel Demand Management Plan, adopted by DCHC MPO in 2007. This item is in furtherance of *Policy 8.1.6i, Travel Demand Management*, of the *Durham Comprehensive Plan*.
- Permit shared parking to count towards off-street parking requirements for all uses in vertically integrated mixed-use projects in order to lower the total amount of required off-street parking to

be built. This item is in furtherance of *Policy 4.2.4b, Parking Requirements*, of the *Durham Comprehensive Plan*.

- Allow for on-street parking within a specified distance to be counted towards minimum parking requirements. This item is in furtherance of *Policy 4.2.4c, On-Street Parking*, of the *Durham Comprehensive Plan*.
- Require, as much as possible, that future parking structures be designed to include street level retail or office space, in furtherance of *Policy 4.2.4d, Structured Parking Design*, of the *Durham Comprehensive Plan*.

Current levels of service for mass transit are not sufficient to warrant further reductions in parking requirements. However, once sufficient mass transit levels of service are in place, further reductions would be in line with the policy goals outlined in the *Durham Comprehensive Plan* for the Compact Neighborhood Tier. Two further recommendations should be implemented once transit service to the Ninth Street Compact Neighborhood has expanded:

- Lower the maximum parking allowed in the Compact Neighborhoods to 100 percent of the required parking, rather than 175 percent as currently stated in the *Unified Development Ordinance*.
- Do not require off-street parking within the Pedestrian Business District in order to encourage new commercial development, particularly on lots that do not currently have space to accommodate off-street parking.

Issue Addressed: Parking

Implementing Entity: Durham City-County Planning Department

2. Allow on-street parking on streets that can accommodate such parking where it is currently prohibited.

Throughout the plan area there are streets that appear to be underutilized, and have sufficient right-of-way to accommodate on-street parking. A more formal analysis should be conducted on the following street sections to determine their capacity for on-street parking:

- Fifteenth Street, from Hillsborough Road to Main Street. This action would require the removal of one lane of traffic in each direction.
- Hillsborough Road from Fifteenth Street to Safeway Street. A second eastbound lane currently exists from mid-block between Rutherford Street and Safeway Street to the intersection with Safeway Street. This lane could be utilized for on-street parking. Require the installation of on-street parking for new development along this roadway.

Should the analysis determine it is feasible, the above street sections should be re-striped to accommodate on-street parking (optimally accomplished during a scheduled repaving). If a conflict arises between these recommendations and those for the installation of new bicycle lanes as recommended in part C of this section, the installation of new bicycle lanes is considered preferable.

Issue Addressed: Parking

Implementing Entity: City of Durham Public Works Department

3. Perform a parking study for the Ninth Street Compact Neighborhood.

Available and adequately timed public parking has been an issue for the Ninth Street area for many years. Even with the introduction of mass transit to the area, adequate parking is a necessity to the future vitality of the Ninth Street area. Therefore, the City should look to perform a parking study, similar to that requested by the Office of Economic and Workforce Development in the early part of this decade. This parking study would examine, but not be limited to, the following:

- The amount of parking necessary to support buildout of the Ninth Street Compact Neighborhood as envisioned in this Plan;
- The time limits for on-street parking as the currently exist;
- Additional locations for on-street parking that are not listed in item 2 of this section.

Issue Addressed: Parking

Implementing Entities: Durham City-County Planning Department and City of Durham Department of Economic and Workforce Development

VI. Conclusion

The Ninth Street area is a special place whose qualities make the area attractive for new residents and businesses. This growth in turn threatens to alter the Ninth Street culture and landscape that has grown organically over the last two decades. In addition, the City's and the region's infrastructure needs have grown tremendously over that same time period and plans are underway to expand regional transit throughout the Triangle. The Ninth Street Compact Neighborhood stands poised to take advantage of incoming transit options. The goals of the Ninth Street Plan are threefold:

- Create a vision for the Ninth Street Compact Neighborhood that is pedestrian, bicycle, and transit-friendly;
- Install policies that are transit supportive; and
- Respect and protect the character of the Ninth Street business district and the surrounding neighborhoods.

The Ninth Street Plan aims to achieve these goals through implementation of policy changes, development ordinance revisions, and physical infrastructure improvements. While the implementation action items are of course critical to the Plan's success, the timing of these action items is nearly as important. Regarding policy and ordinance changes, the following implementation schedule should be observed:

- Adopt the *Durham Comprehensive Plan* amendments as outlined in section V.A.1-3. of this Plan.
- Draft the text amendments to the Unified Development Ordinance as described in sections V.B. and V.E.1. of this Plan.
- Implement the above changes through adoption of the text amendments and implementation of the *Durham Comprehensive Plan* amendment in V.A.4. of this Plan.

The implementation of sections V.C. and V.D. of this Plan should be performed at such a time as resources allow. The Durham City-County Planning Department shall undertake an assessment of the progress of this Plan three years from the date of adoption.

VII. Figures

Figure 1, Regional Transit Vision Plan, Special Transportation Advisory Committee

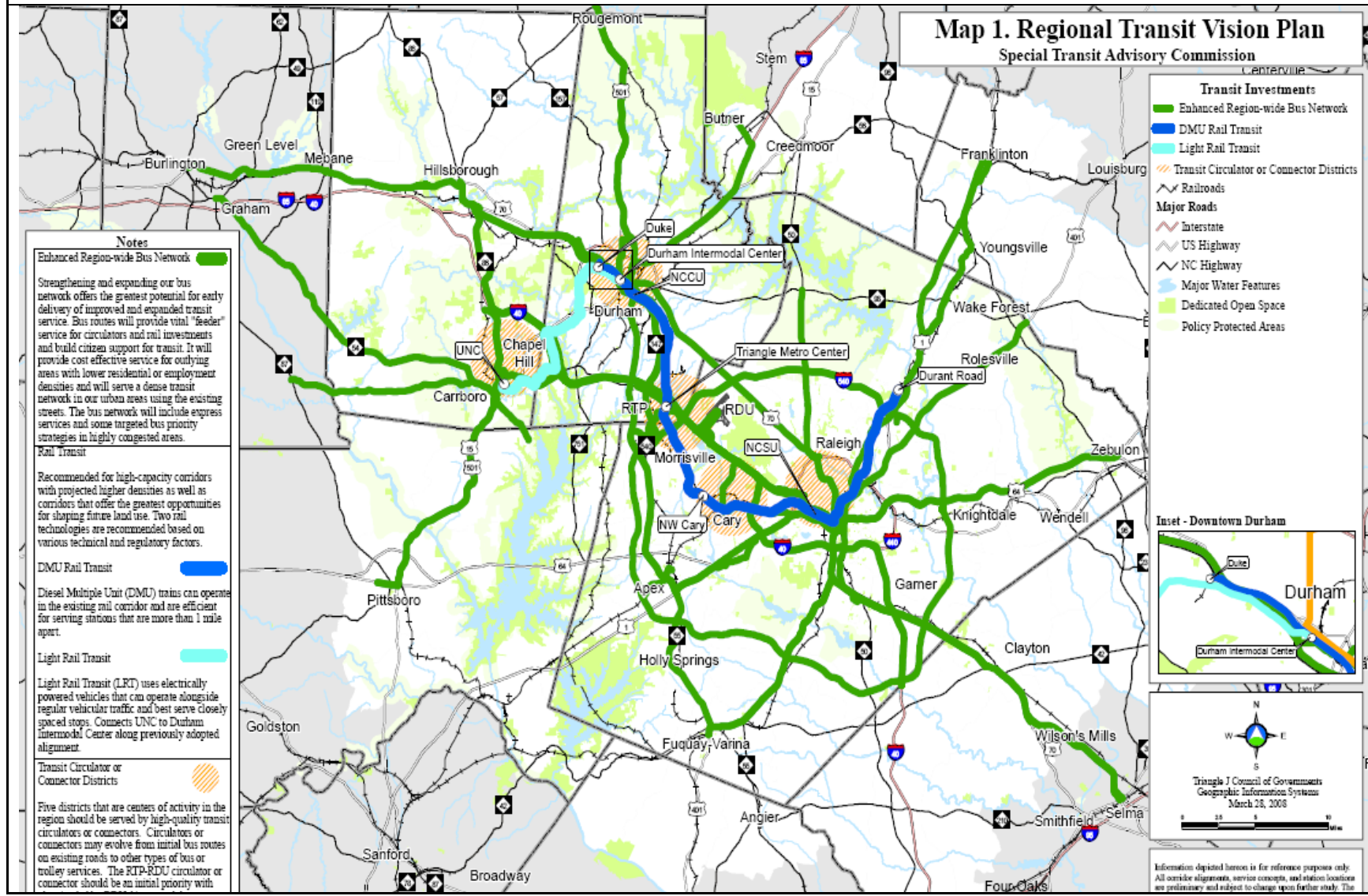


Figure 2, Current Ninth Street Compact Neighborhood Boundary

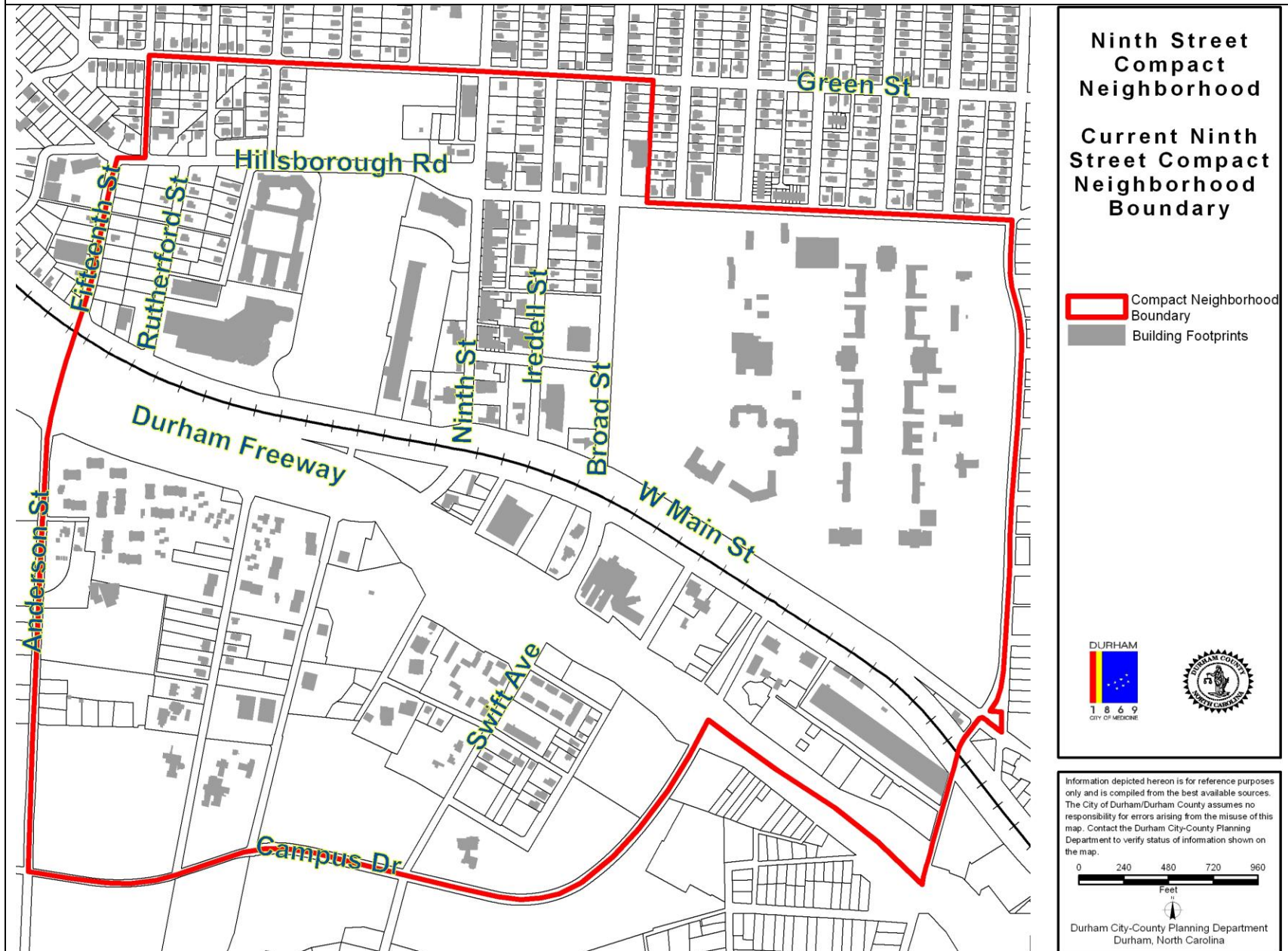


Figure 3, Current Zoning

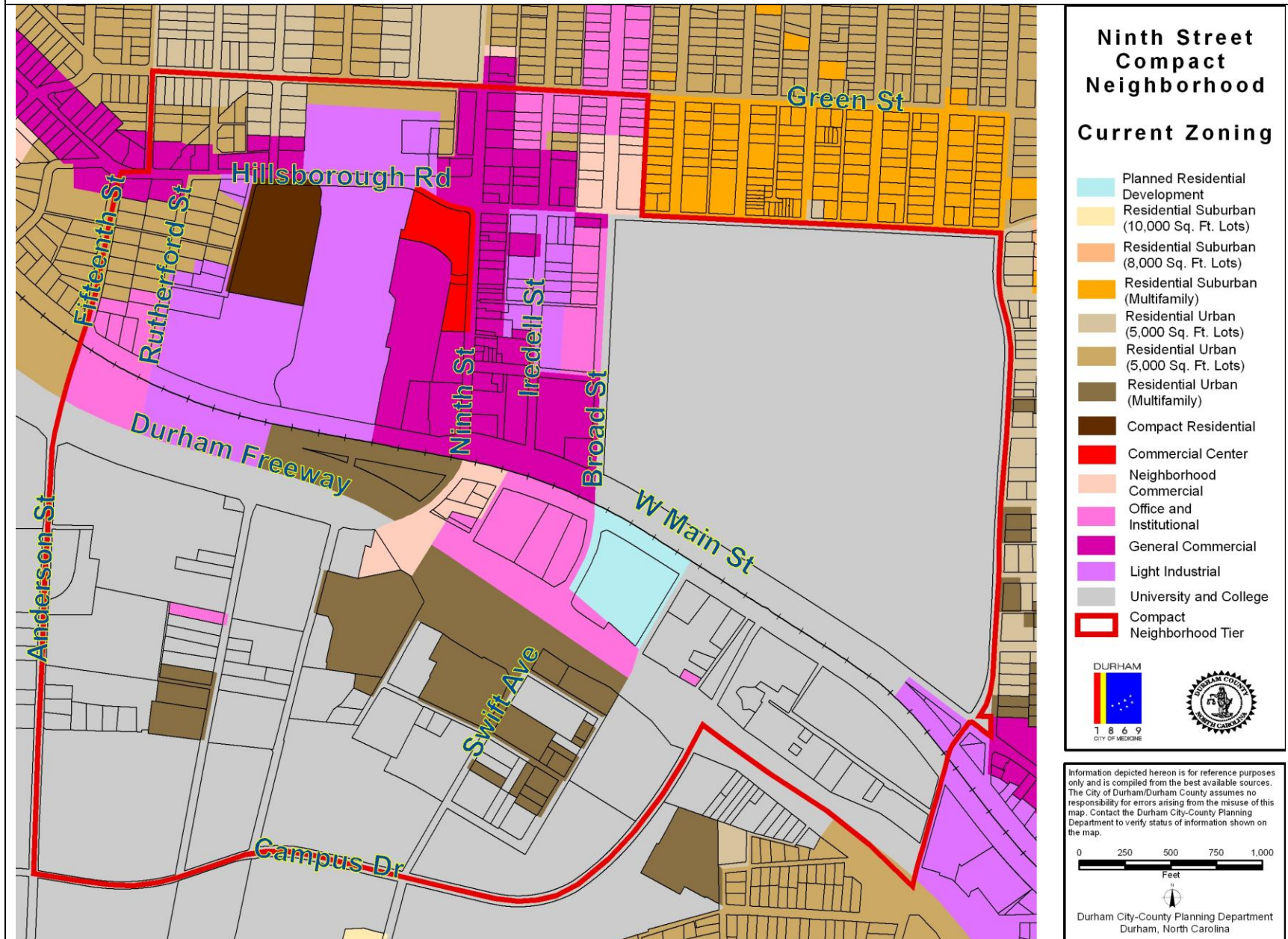


Figure 4, Future Land Use Map

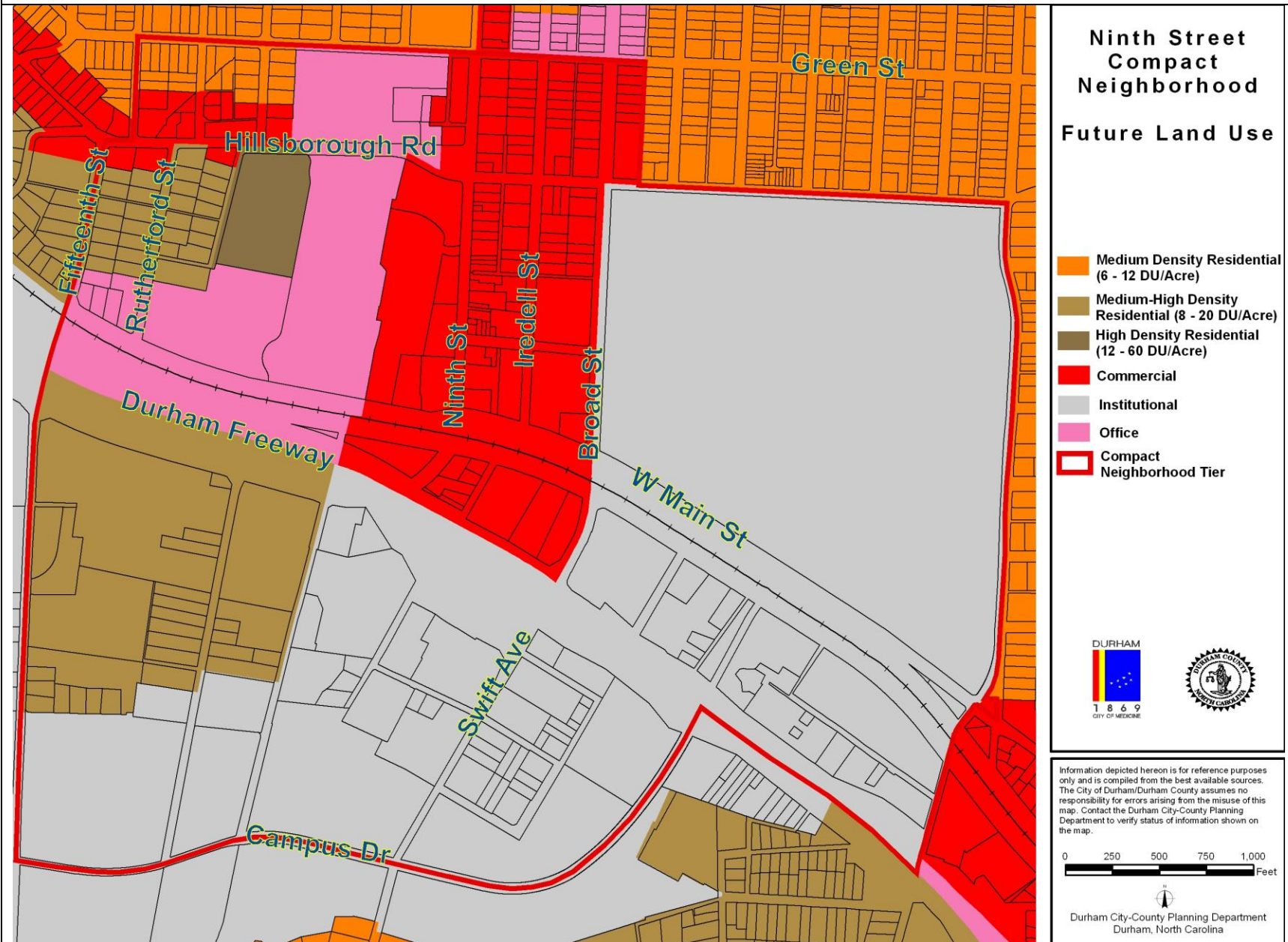


Figure 5, Environmental and Historic Resources

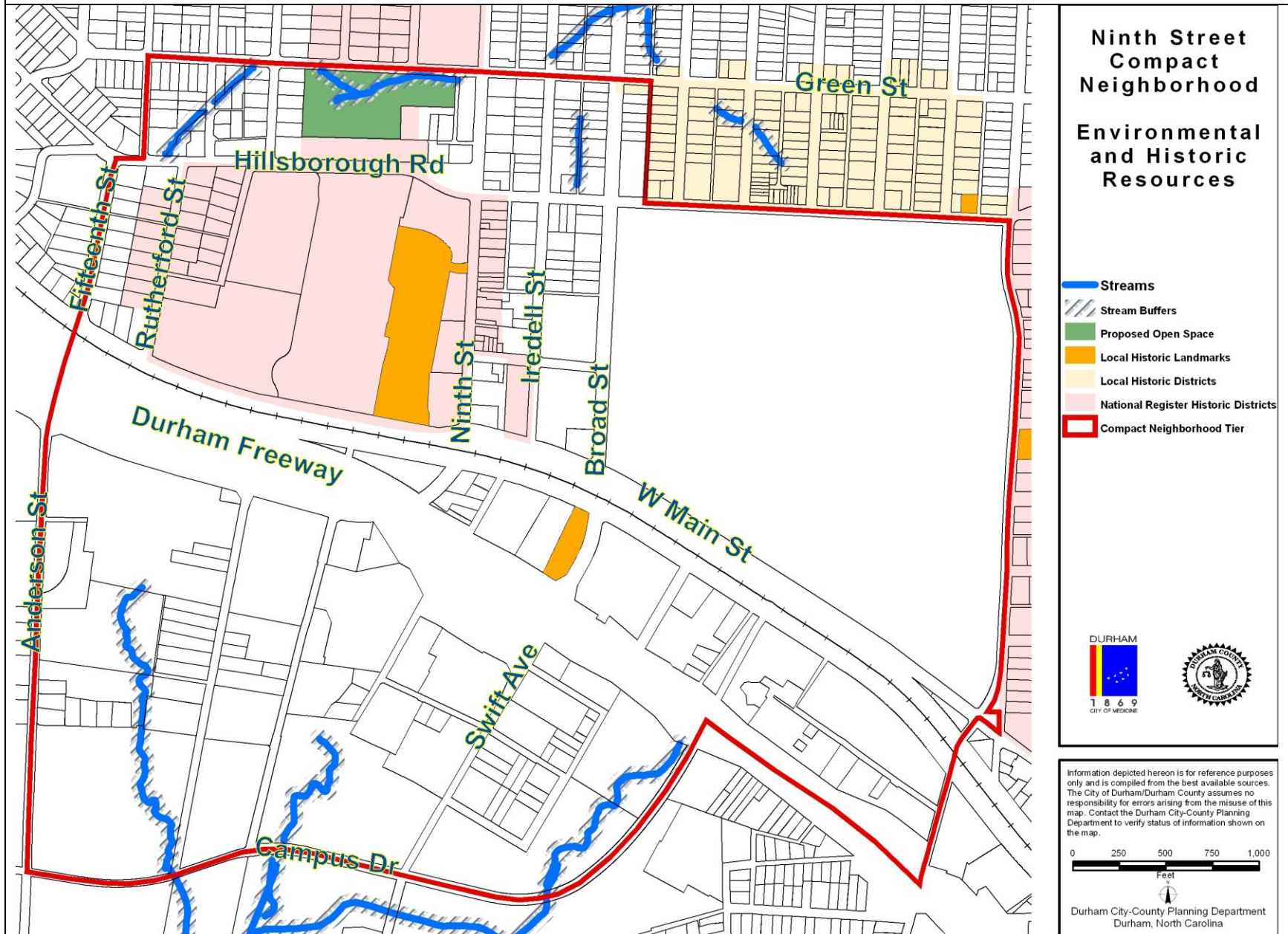


Figure 6, Street Widths by Number of Lanes

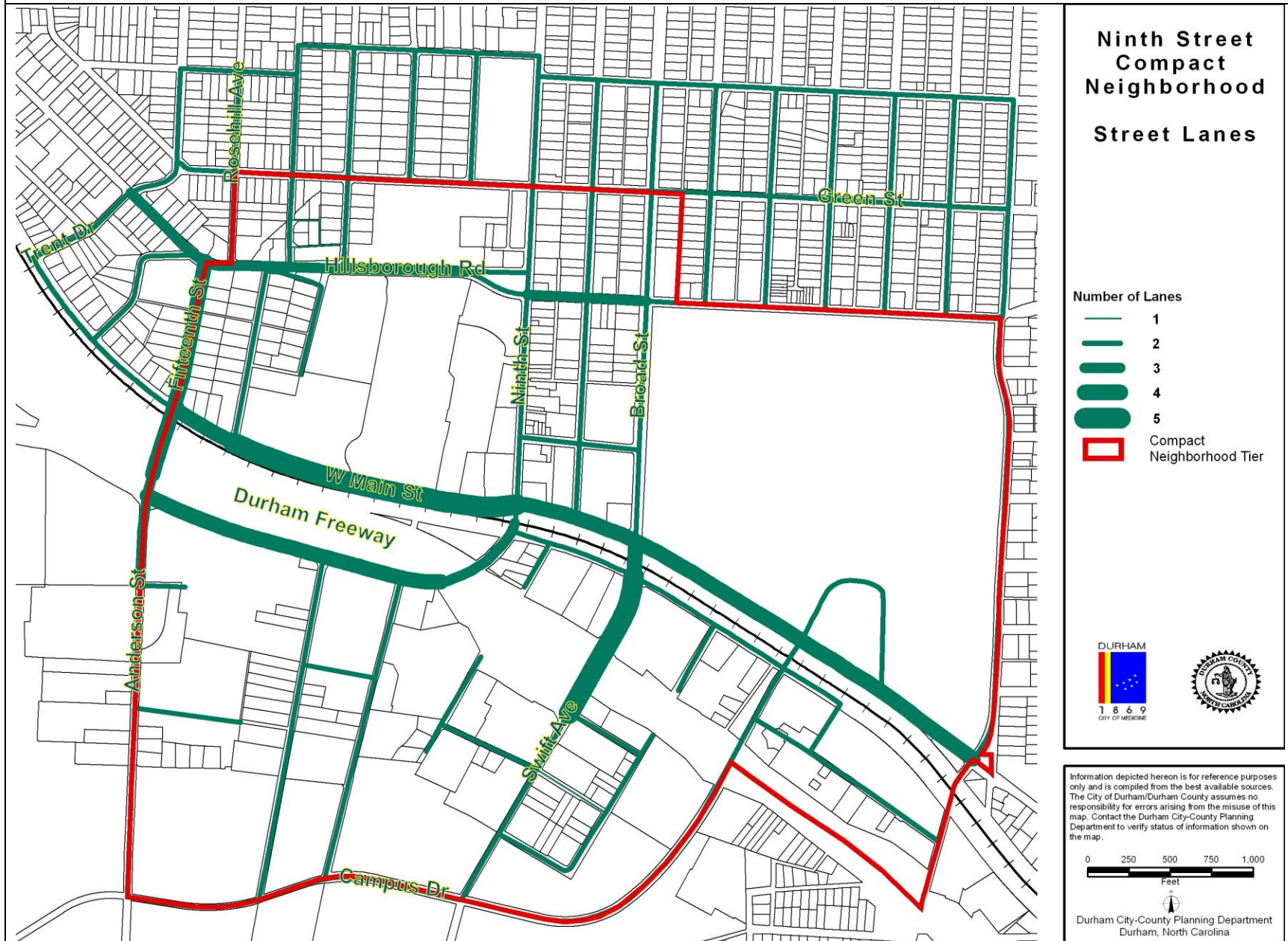


Figure 7, Current Parking Estimates

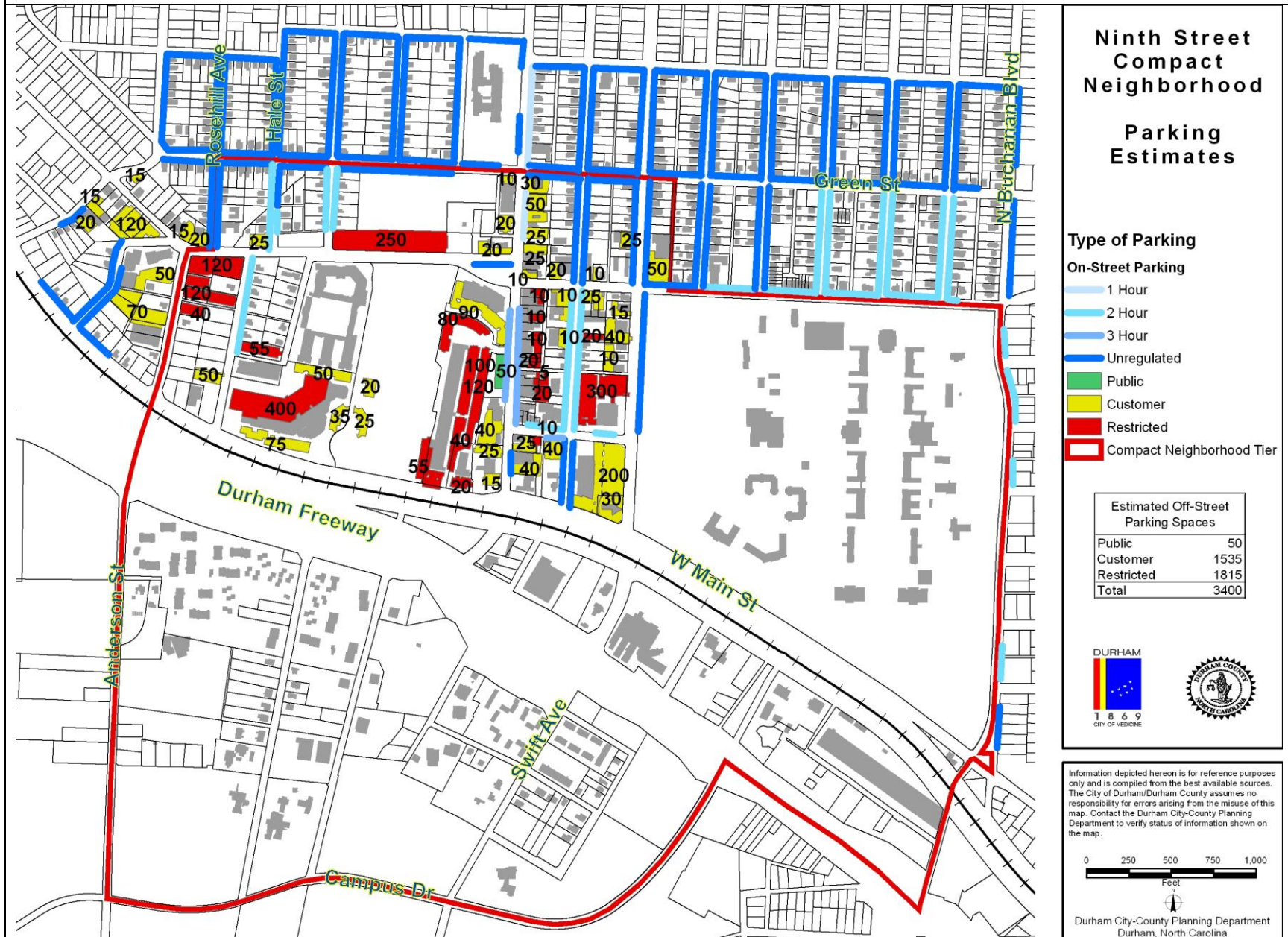


Figure 8, Existing and Planned Bicycle Facilities

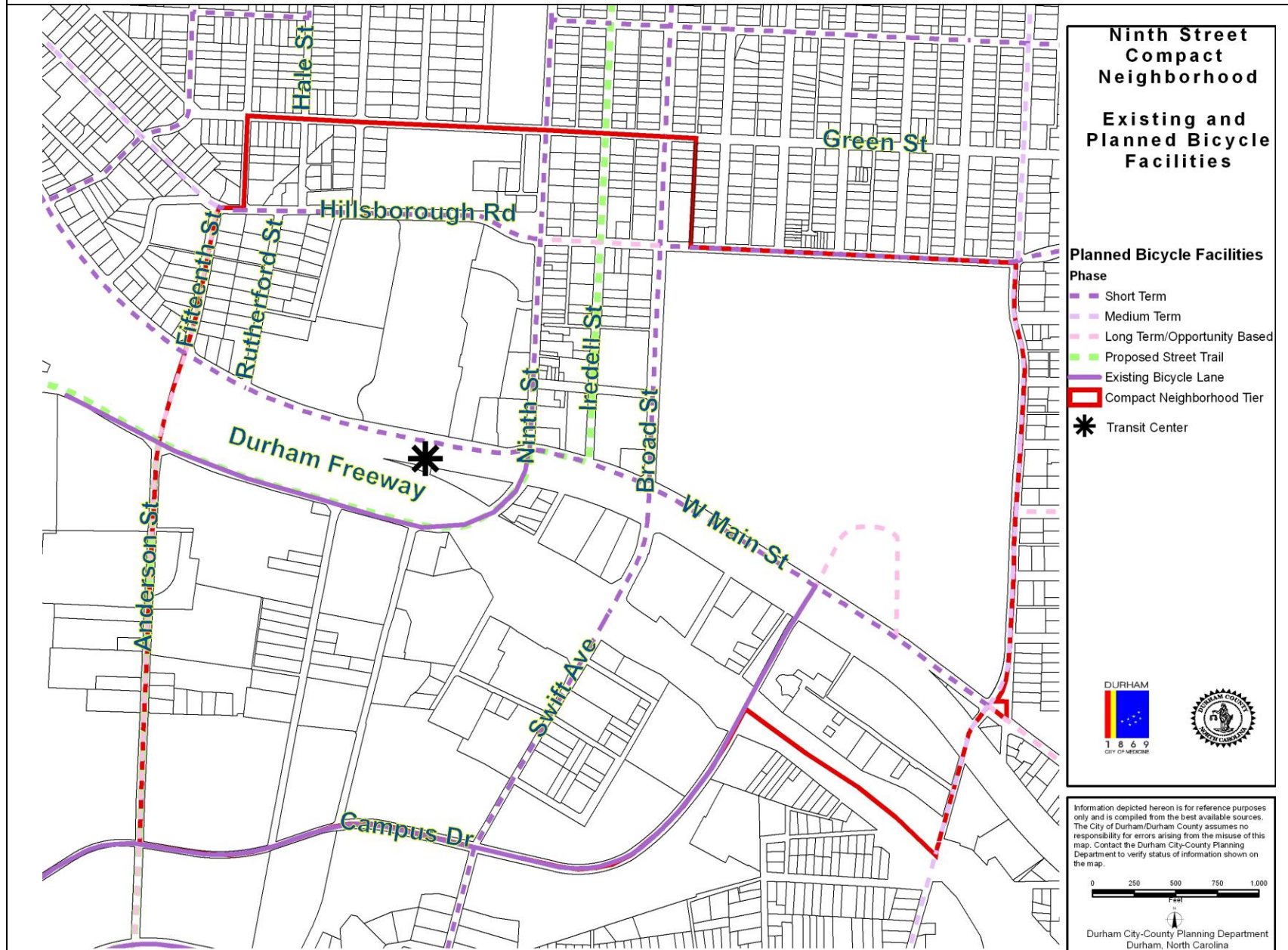


Figure 9, Existing and Planned Pedestrian Facilities

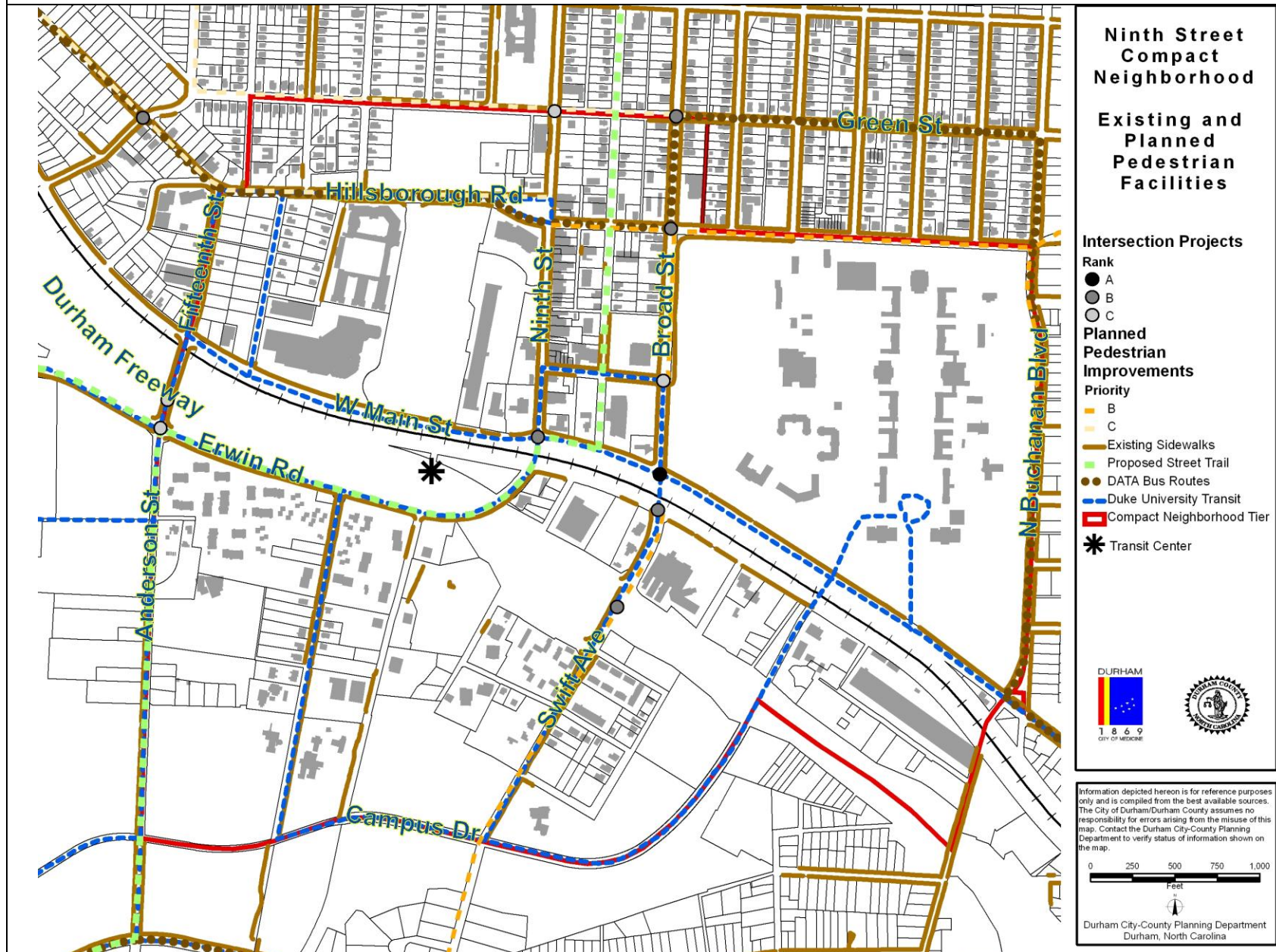


Figure 10, Recommended Comprehensive Plan Amendments

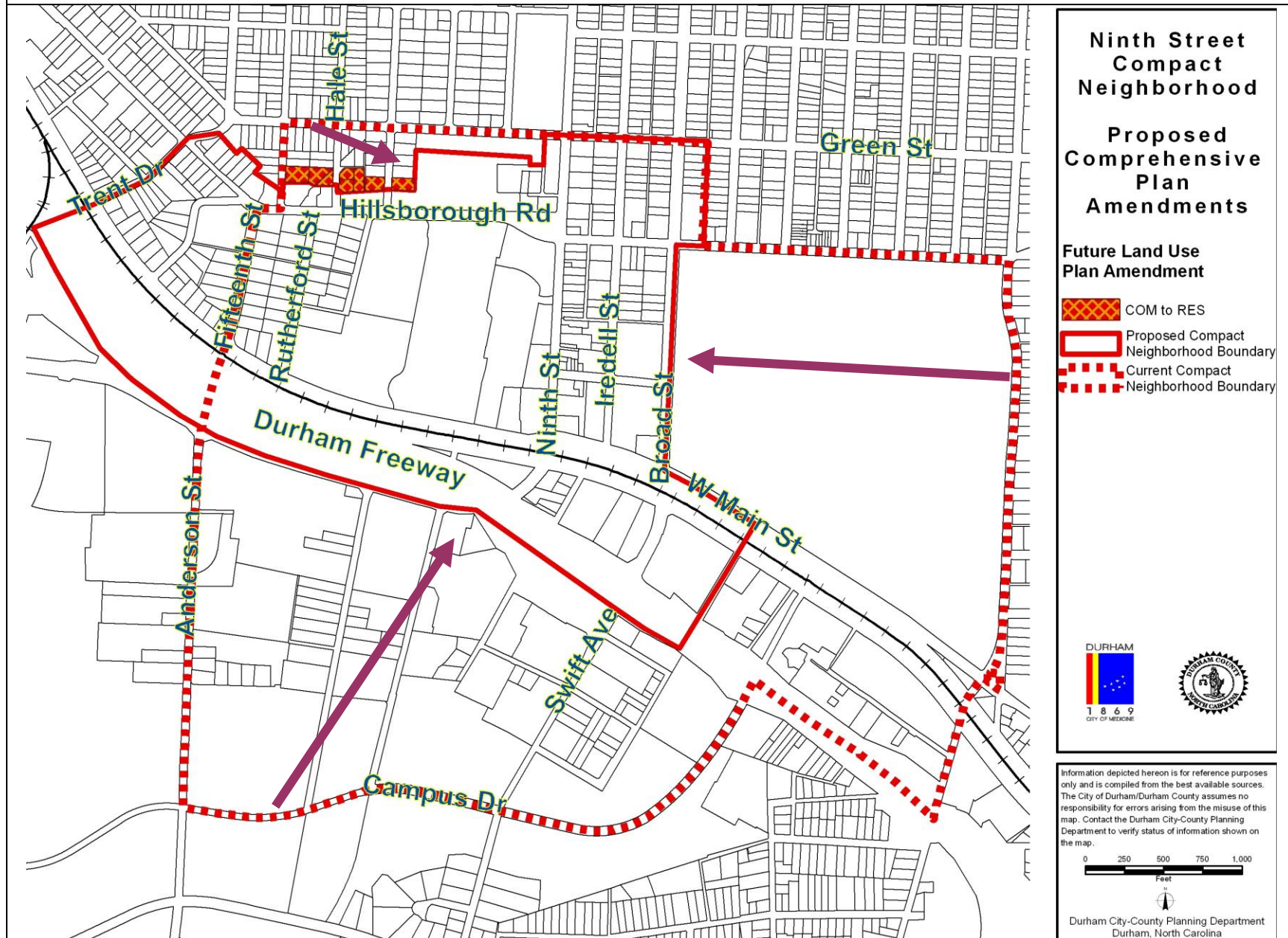


Figure 11, Proposed Regulating Plan, Ninth Street Compact Neighborhood

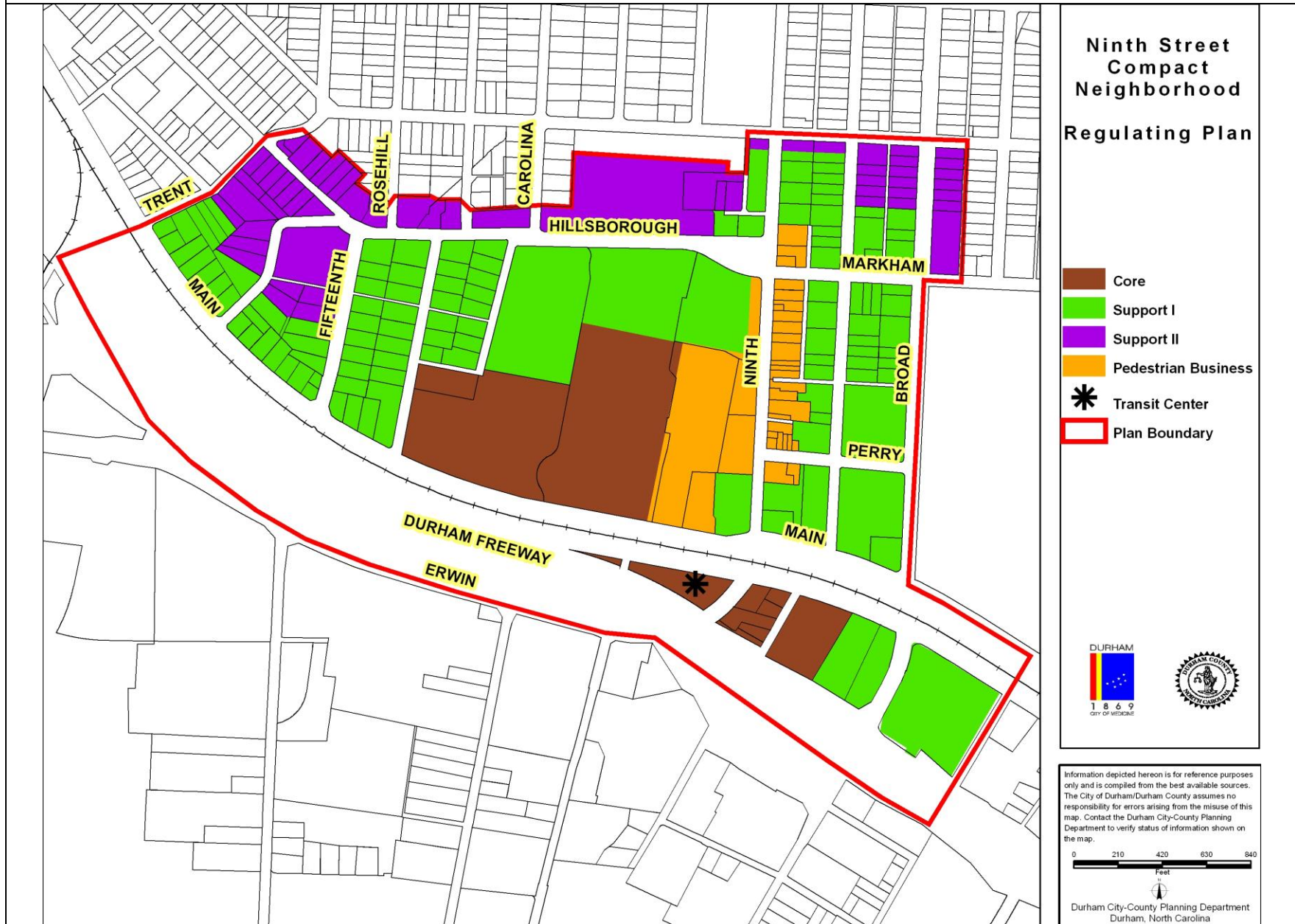


Figure 12, Illustrative Street Layout, Ninth Street Compact Neighborhood

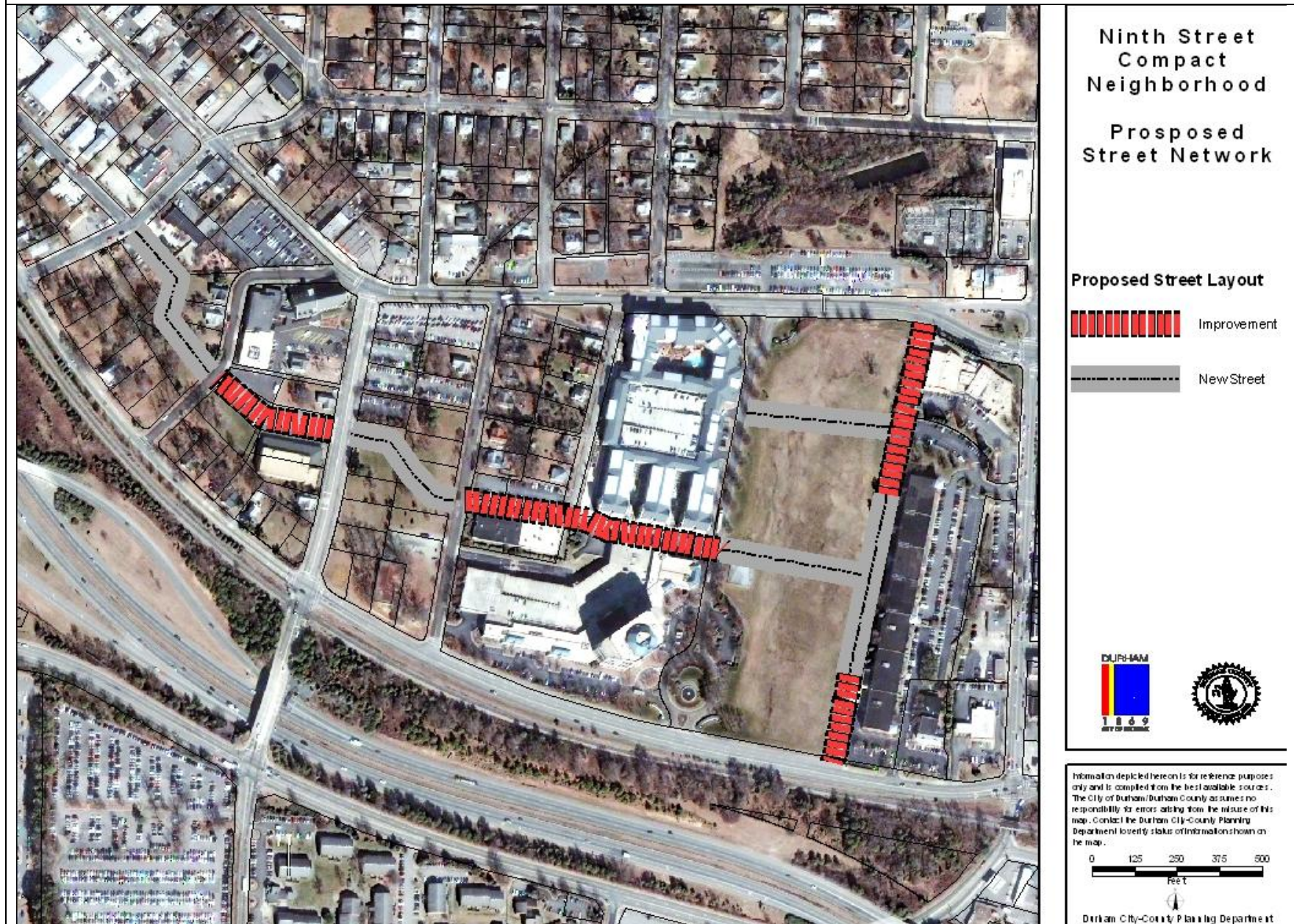


Figure 13, Ninth Street Area Thoroughfares, DCHC MPO 1991 Thoroughfare Plan

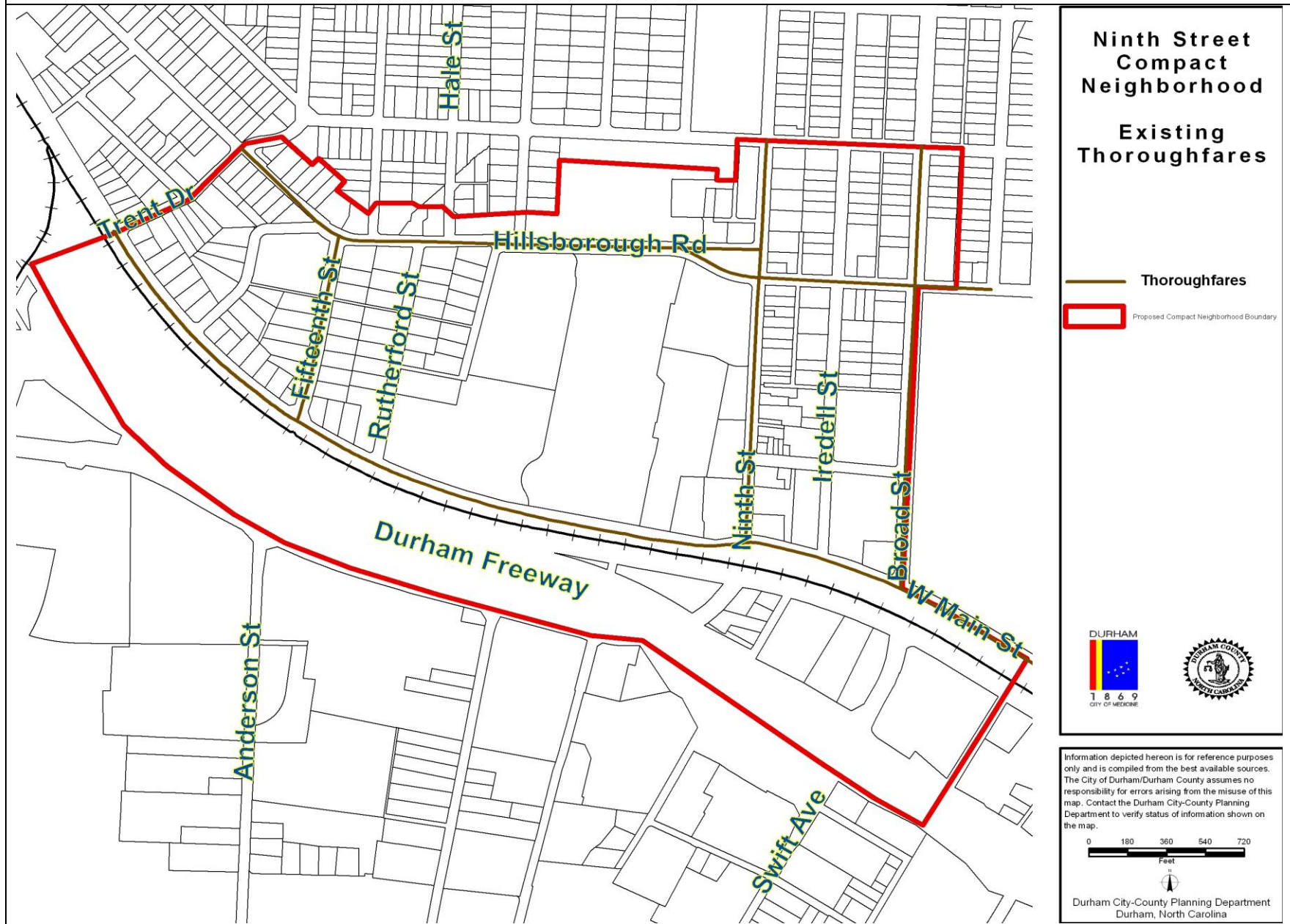


Figure 14, Master Chart of Proposed Elements of Hybrid Form-Based Code

	Height		Residential Density (Units/Acre)			Minimum Open Space
	Maximum	Additional Height Potential	Minimum	Maximum	Maximum with Affordable Housing Bonus	
Core	90'	110', with mSUP	22	60	69	1%
Support I	60'	75', with mSUP	16	52.5	60	2%
Support II	45'	---	8.7	20	23	5%
Pedestrian Business*	55'*	---	16	52.5	60	1%

Note: mSUP stands for Minor Special Use Permit

*Maximum height in the Pedestrian Business district is 55' on the west side of Ninth Street, 40' on the east

Figure 15, Proposed Route for US 70 Business

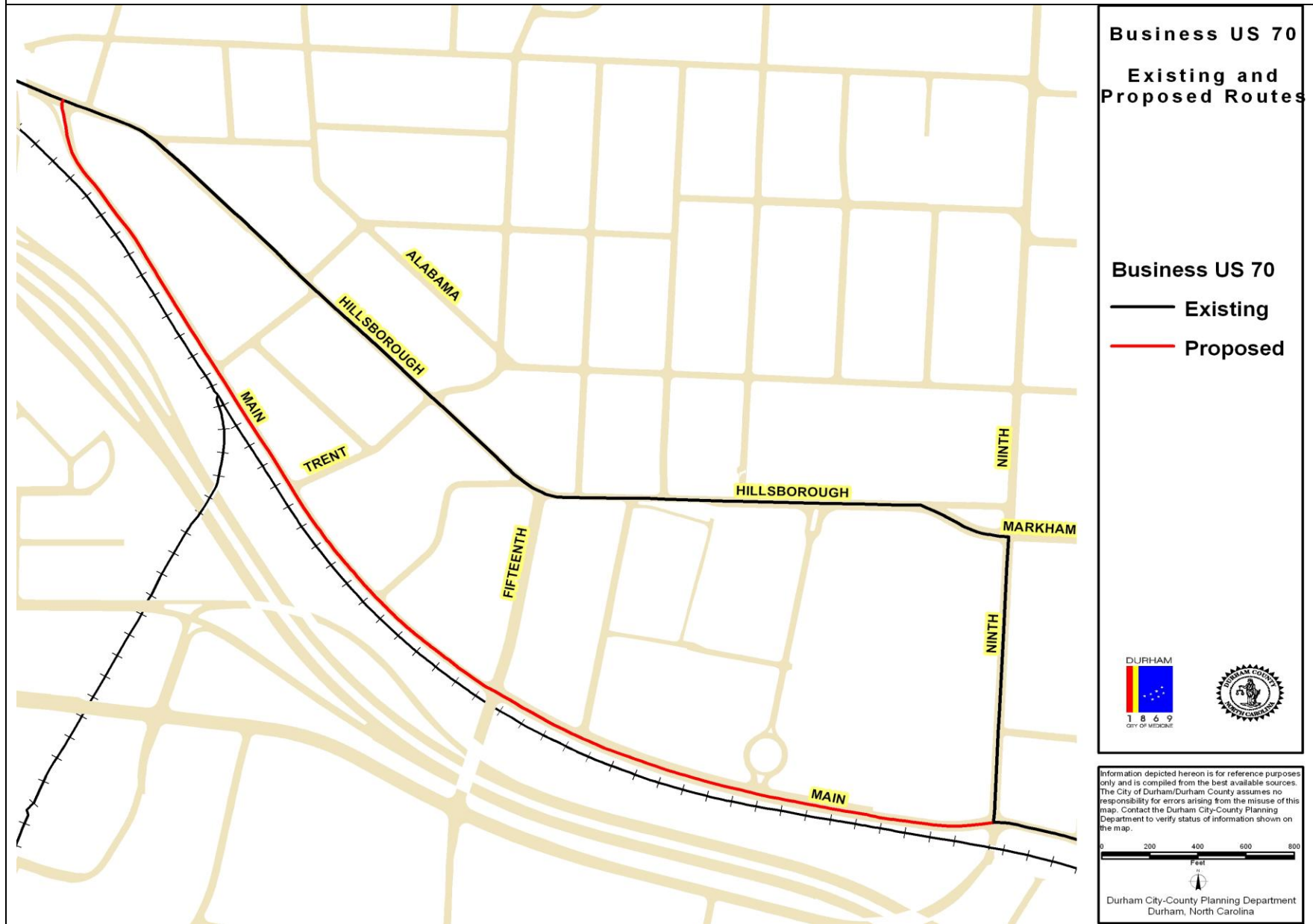
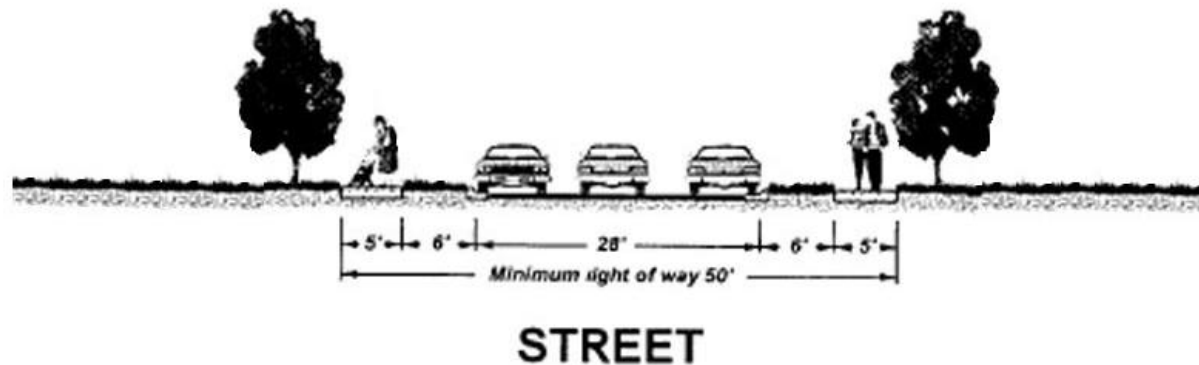


Figure 16, Proposed Redesign of Safeway Street



VIII. Appendix, Illustrative Sketches of Alternate Street Cross Sections, North Carolina Department of Transportation



Purpose: Provides access to housing

Features

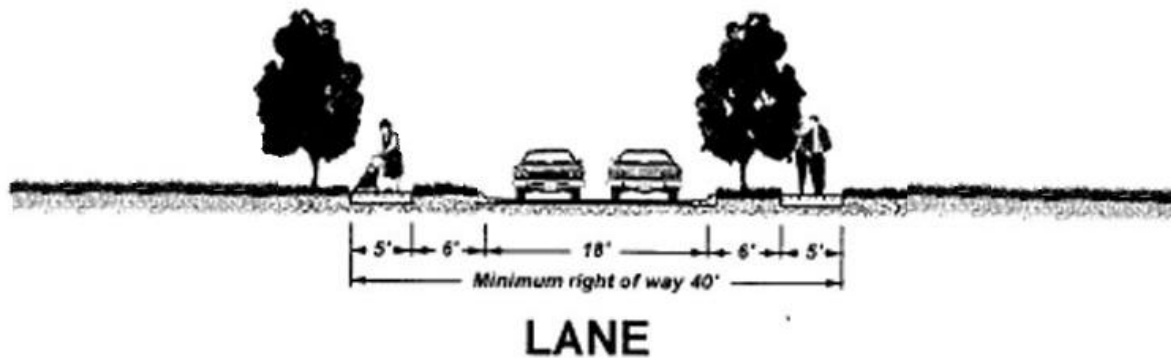
- Street width 28' with curb and gutter and informal parking
- Planting strips 6'
- Sidewalks 5' on each side
- Design speed 20 mph
- Posted speed 20 mph
- Requires a 50' right of way
- Drainage - curb and gutter

Features

- Generally two to six blocks long

Building and Land Use

- Residential - many residential types



Purpose: Provides access to single-family homes.

Features

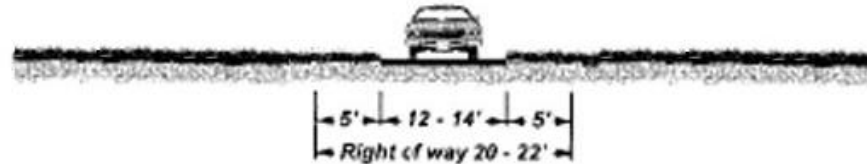
- Street width 18' with curb and gutter and informal parking designated on street
- Planting strips 6'
- Sidewalks 5' on each side
- Design speed 20 mph
- Posted speed 20 mph
- Requires a 40' right of way
- Drainage - curb and gutter

Features

- Generally two to six blocks long

Building and Land Use

- Residential - primarily single family homes



Alleys

Purpose: Although part of the interconnected street system, alleys provide access to property but are not intended to accommodate through traffic. Alleys are often used by garbage trucks. In some areas alleys must accommodate dumpsters.

[Note: Not to be accepted onto the state system]

Features

- Requires 20' right of way (minimum)
- Utilities, either above or underground, may be located in alleyways to provide service connections to rear elevations
- Width 12' (minimum)
- Additional pavement at alleyway intersections is necessary to facilitate turns.

Building and Land Use

- Residential - primarily single family
- Provides rear access to garages